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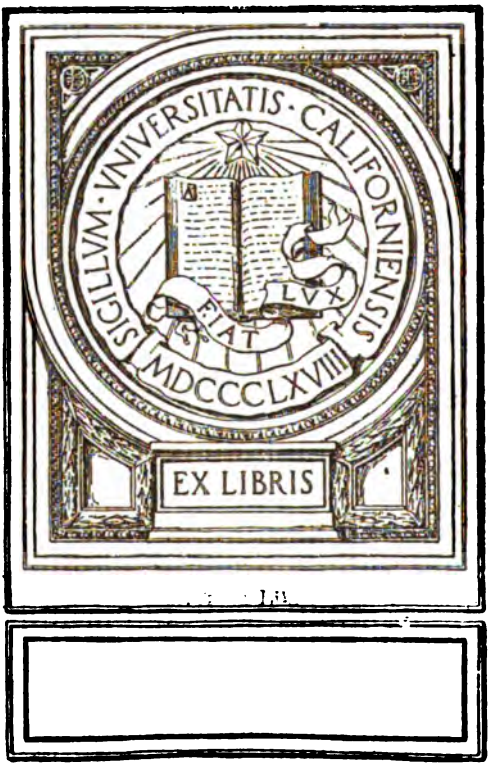
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WHAT THE JUDGE SAW

WHAT THE JUDGE SAW

BEING

TWENTY-FIVE YEARS IN MANCHESTER BY ONE WHO HAS DONE IT

UNIV. OF CALIFORNIA

BY

HIS HONOUR JUDGE

EDWARD ABBOTT PARRY

AUTHOR OF "DOROTHY OSBORNE'S LETTERS," "JUDGMENTS IN VACATION" "THE SCARLET HERRING,' "KATAWAMPUS: ITS TREATMENT AND CURE," "BUTTER SCOTIA," ETC.

SECOND IMPRESSION

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1912

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UNIV. OF
CALIFORNIA

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P37

To

MY PARTNER, COMRADE AND WIFE

THIS VOLUME IS DEDICATED

809791

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NOTE

*The origin of these reminiscences was the appearance of some papers I contributed to the "*MANCHESTER DAILY DISPATCH*" in January of this year. These met with considerable favour, and many readers seemed to think that their story was worthy of being set down in a more permanent fashion. It was to meet this suggestion that I have largely added to and re-written the original essays and published them in book form.*

EDWARD A. PARRY.

SEVENOAKS,
September, 1912.

WHAT THE JUDGE SAW

CHAPTER I

FAREWELL MANCHESTER

I go—but God knows when or why
From smoky towns and cloudy sky
To things (the honest truth to say)
As bad—but in a different way.

BYRON: "Farewell to Malta."
(*Amended by leave of the Court.*)

"SOME poet has observed that if any man would write down what has really happened to him in this mortal life he would be sure to make a good book, though he never had met with a single adventure from his birth to his burial." Even Thackeray does not take the responsibility for the thesis, but with a light heart lays the burden upon the shoulders of "some poet." And for my part I had never any intention of answering the poet's challenge until after a quarter of a century of life in Manchester I found myself back again in my original domicile. I doubt if I had ever really acquired a domicile in Manchester. There was residence, but was there

intention? I think I must decide that somewhere at the back of my mind there was an intention if not a desire to return.

But when I did return, how many changes I found. Of course I had paid fleeting visits to London during the term of my exile; but here I was again for better or worse, and my mind made contrast of to-day with the memories of twenty-five years ago. Where were the familiar faces? Not all were gone certainly, but those that remained seemed to my eyes duller, grizzled and less alert than I had remembered them. And no doubt I was the same to them, and had grown rugged and provincial during my long absence. For when old friends met me in the Strand or the Temple they patted my shoulder in a kindly compassionate manner as if I were a pit pony who had just come to the surface after several decades of darkness. These Londoners who knew nothing of Manchester and the North seemed to fancy I was blinking and dazzled with the brilliancy of their converse, when in truth and in fact I was wondering why they all—except the Jews—spoke with a tinge of Cockney accent. When they congratulated me upon my "promotion," as they called it, I could not help contrasting the trial of cases arising out of commercial contracts on the Manchester Exchange with the trespass of sheep among the turnip-tops, which is the nearest we have to a *cause célèbre* in the Weald of Kent.

But what caused me a greater sinking of heart was that, when I spoke of Manchester men and Manchester affairs, I spoke to deaf ears. Your Peckham

and Surbiton Londoner knows indeed that there is such a place as Manchester on the map, but intellectually and spiritually he is far nearer to New York or Johannesburg. The works and doings of these places interest and amuse him, but the annals of the great cities of the North are closed books to him. And when I was lamenting on such a state of things I came across Thackeray's message and wondered if it was intended for me. I could not help thinking how many of us would like to have the reminiscences of the pit pony. How entertaining it would be to his fellow ponies below to know what the old fellow really thought of them, and how the story of a life underground would tickle the supercilious ears of the pony aristocrats who had spent their lives among surburban milk floats and butchers' carts, or even let us say in the polo field. There was the personal pleasure, too, of remembering and setting down the story of the days that were gone and describing the highways and byways along which I had travelled so pleasantly, and the thought that some who were children in those years might like to know what sort of a world it was they used to live in.

Maybe Charles Lamb is right when he asks himself " Why do cats grin in Cheshire ? " and tells us that " it was once a County Palatine, and the cats cannot help laughing when they think of it." For my part as one who has been a " poore Palatine " in the adjacent county of Lancaster I confess that the very sound of its name will always induce a smile

—or should I say a purr—at the pleasant memories with which it is fragrant.

Attachment to places is quite irrespective of their pleasances. The fields and orchards of Kent, white with blossom in the spring, purple and golden with the heavy fruits of autumn, can never be as acceptable to me as the mud building land of South Manchester. The Embankment and the Strand—even in its debased modern form—and the Temple Gardens and the fountain will always be home to one who started life as a Londoner, and was educated in the cellars of Somerset House. But in solitary thoughts and dreams I shall glide in fancy down the flags of Oxford Road, and watch the rooks building on Fallowfield " Broo," or strike across the fields of Chorlton's Farm by the cottages with the old vine on them, and take the train from Alexandra Park to my work. When I come out of the Lambeth County Court into the Camberwell New Road it will always feel irksome to me not to be able to stride up Peter Street and push open the swing doors of a certain club in Mosley Street and find myself in an atmosphere of tobacco and good fellowship. You get so attached to the actual place in which you dwell that though things are better and more beautiful elsewhere your optic nerves do not respond at their call, or you suffer from a geographical deafness. I do not defend such narrow patriotism, I only assert that it exists. The other day I found myself in a fog in London—one which Mr. Guppy would call a *real* London particular—saying to a friend, " Call this a

fog? You should see a first-class Manchester fog." I knew I was a boaster and a braggart, for Manchester fogs, though tastier in chemical flavour, have not the real woolly orange blanket appearance of the fog that rolls up white from the Nore and bronzes with the London smoke.

I think I have the place attachment—a limpet-like characteristic, after all—very highly developed. I remember a story of a little boy, about three years old or perhaps more, who moved with his family and their furniture into a new house. At first the affair excited him, but later on he wandered uneasily and miserably about his new quarters with an idea that he would never smile again, and that the sooner the world came to an end the better for everybody. Poor, doleful, little urchin, he climbed up long flights of stairs into a box-room, and there, finding a pile of old carpets, he selected one that had belonged to his nursery and laid him down to die. Forgotten in the turmoil, he cried himself to sleep, and was discovered by anxious domestics after prolonged search. I know a great deal of the story is true, because I have heard it from some of my more reliable relations, and as the hero of the story I believe I can remember hearing an agonised nurse calling my name in despair, and sullenly refusing to reply to her calls on the ground that I never wished to consort with the world again since I had discovered with Zarathustra that "all is empty, all is equal, all hath been."

This attachment to places is a very animal virtue, or failing, whichever it be, and in my experience is

not so much a home-sickness as a nausea of novelty. One erects in one's mind a standard of what ought to be, and applies that to the beloved place; and by constantly asserting to strangers that the place is in all particulars absolutely perfect, one begins by mere force of the repetition to believe in it oneself. In this way do myths become religions. There are many Manchester myths, all of which in my patriotism—the more vehement because I cannot claim birthright in the great city—I repeat, and shall continue to repeat, with the accuracy and fervour with which I still run over on occasion my "duty to my neighbour." Thus a true Manchester man will tell you Manchester is musical, whereas, in truth and in fact, very few of her people care anything about music at all. Also he will speak with glowing pride of the marvellous municipal statesmanship of her governors, whereas, though we are very fond of them personally, we know they are about as ordinary a set of parish councillors as ever met in a village school-room. I myself have often reproved a mere Southerner for casting aspersions on our climate by saying "it was not half so black as it is painted," when I knew that on oath I should have to admit that no ink could paint it black enough. These are lawful perjuries, and unworthy of Manchester would any citizen be who should hesitate to repeat them.

And yet I am not altogether sorry that I left Manchester. It is true that it was for purely personal and domestic reasons that I came south.

There was no financial gain in my move, and therefore there is no ecclesiastical precedent for pretending that I had received a spiritual call to a wider sphere of action. At the same time it is possible that the dignity and decorum of Lambeth may be perfected by that "wakkening up" spirit which the apostles of Manchester go forth to maintain.

I remember when I was moving south, Bishop Welldon asking me on the steps of the pavilion at Old Trafford, "And where is your diocese?"

"Lambeth," I replied promptly. "It sounds ecclesiastical, doesn't it?"

"It did until your name was connected with it," said the Bishop with a merry laugh.

And I left him wondering whether that was the reason Providence had translated me to the Camberwell New Road.

As for myself, I never want my name to be connected with Lambeth; but in so far as it will ever be remembered at all, I pray that it may find its way into some niche in those cyclopædias and other mausoleums of the famous under the title "Manchester."

And I am not alone in thinking that "Farewell Manchester" is a sad phrase to utter. For when Charles Edward left Manchester in 1745 after those pleasant weeks of revelry among the gentry of Lancashire and Cheshire, the legend is that he rode sadly over the Derbyshire hills chanting that mournful lament the music of which the old prebendary

of Hereford set down in later years and called "Felton's Gavot" or "Farewell Manchester." But I picture the Pretender cantering along and rallying his friends about the Lancashire lasses, whose hearts they had conquered and whose ribbons they wore in their bonnets, and I believe it was only in after years that the mournful ballad spread round the countryside and the ballad-mongers sang of the young prince whose "tear-drops bodingly from their prisons start."

It would be absurd for modern visitors to Manchester, rushing away from the city in a luxurious dining car, plunging beneath the Disley Golf Links and emerging among the picturesque Derbyshire crags, to throw themselves into the romantic humour of the heroes of '45 and mingle tear-drops with their soup. But alone with your thoughts, if you have lived in the midst of Manchester and her people and experienced their gracious hospitality to the stranger that is within their gates, you may find yourself crooning old Felton's Gavot, and learn that the song vibrates in a minor key and that the tear-drops can only be kept back by control.

It is a hard thing to say "Farewell!" in the right key. Many, many kindly letters I received when I went away, and all were full of gracious messages; but the one I best remember as saying the just word of complimentary reproof was a valedictory letter from the Secretary of the Crematorium, in which he wrote, "our committee feel very grieved that you should be leaving us in this manner." I

quote from memory, and of course the wording may not be exactly accurate. But the idea was beautifully and delicately expressed, and to the hidden indictment in the letter I plead guilty and throw myself upon the mercy of the Court.

CHAPTER II

HOME

It may be a hut with a thatch on
  In a garden where roses grow,
Or built of bad bricks with a patch on
  Of stucco, and twelve in a row;
It may be a palace of crystal,
  With a splendid sparkling dome,
But what does it matter whatever it is,
    It is Home.

"Pater's Book of Rhymes."

I DO not want to anger my readers at the threshold with heraldic learning of the couching lions and ramping cats to which the Parrys of Nerquis are by right entitled, but I claim a Welshman's privilege of setting down so much of genealogy as is necessary to the understanding of my story. And truly one of the temptations that lured me to this task was a desire to write down what I could remember of my father, John Humffreys Parry—Serjeant Parry—who died more than thirty years ago, and left so fine a memory among his comrades in the battles of old in Westminster Hall.

And I often heard my father talk of his Welsh ancestry, though he himself was a Londoner born in 1816, and he would tell us what he remembered of his father, John Humffreys Parry, the Welsh antiquary and writer who was called to the Bar in 1811,

and died when my father was a boy of sixteen. He was the writer of the "Cambrian Plutarch" and editor of the "Cambro Briton," a journal of Celtic folk-lore and the ancient literature and history of Wales. Nowadays he would probably have been a professor at a Welsh University, but in those days people cared for none of these things. I remember reading in some Welsh account of his career—and among Welshmen he is far better known than my father—how he was educated at Mold Grammar School and articled to Mr. Wynne, solicitor, of that town, and married a daughter of John Thomas, solicitor, of Llanfyllin, which is away down in the wilds of Montgomeryshire. This biographer wound up his story with the compendious statement that "he went to London, was called to the Bar, took to literature and dissipated his estates." But if he had any estates, which is at least doubtful, he wasted them not in riotous living, but in the printing and publishing of the Welsh literature he loved. From the earliest he was an eager and ready writer. I have a small brown scrapbook, the leaves of which are saffron-tinged with age, in which are pasted with proud care the author's letters and verses contributed to the *Chester Courant* in the early part of the century, when he was a youth in Mr. Wynne's office in Mold.

Some years ago curiosity led me into the land of my forefathers, and I climbed the steep hill between Mold and Ruthin to reach Llanferres, going past "The Three Loggerheads," the sign of which

Richard Wilson, R.A., the landscape painter, is reputed to have painted. It is the old jest of two heads grinning at you—the third you supply for yourself. And if Wilson painted it, as they say he did, it was probably done in his early days, for he came from Mold, and as he died in 1782 the sign must have been there in my great-grandfather Edward Parry's time, when he became rector of the little hill village of Llanferres in 1790. And doubtless he often saw it as he walked down the hill to visit his wife's relatives in Mold, or went across to Nerquis to see his father Edward Parry, the tanner.

And at Llanferres I searched the church registers, and finding that the rector was carried home to his native village of Nerquis, I turned my steps along the narrow roads down the side of the hill where his funeral must have passed and found a little village church at the foot-hills on the English side, so much away from the bustle of the world's traffic that I think it must be much the same to-day as it was when my great-grandfather was carried back to his early home. And when the little churchyard of Nerquis gives up its collection of Parrys it will relinquish a goodly number who lived and died in this quiet, solitary place, and from what one reads on marble slabs and the like, they were a godly, honest and well-doing people. But to my regret I find that Edward the tanner's father was the Rev. Canon Edward Parry, M.A., Vicar of Oswestry in 1763, and his father was Thomas, an attorney of Welshpool who lived near the bridge, so that as we reach the

seventeenth century it dawns upon me that I do not belong to North Wales at all, and I cease my researches into the past, in dread that I should discover after all that I am no better than a South Wales man, a " Hwntw " in good northern speech, or " man from beyond."

My very earliest personal recollection of my father was in the days of my childhood, when we lived at No. 1, Upper Gloucester Place, overlooking Dorset Square. In the interests of the committee of the society that busies itself placing decorative lozenges on the birth-places of the famous it is well to record that I have it on hearsay evidence that this is where I was born.

I can well remember, and as it were visualise, my father in that house, but only on one day of the week—the Sunday. On other days I cannot remember to have seen him at all. But I can recall many details of the house itself, and well remember that the library window looked on to New Street, in which lived our chemist and druggist; and of an evening I would go into the library and climb on a chair to enjoy the glory of his huge coloured bottles in the window, and then meanly pull faces at the nauseous shop in revenge for the wrongs I had suffered at its hands.

My brother and I took our morning walks in Dorset Square. In the early sixties Dorset Square was a vast jungle. Speaking from memory, it contained well-accredited lions and bears in its fastnesses. I saw Dorset Square the other day. It has sadly

shrunk. Those giant shrubs that towered over your head, hiding you securely from a distracted nurse, are no longer there. Regent's Park was my other playground, or, rather, that part of it opposite Sussex Terrace called "The Enclosure," to which we had a right of entrance and a key. I do not know that it is a matter of importance now, but it was of the essence of happiness in those days that our good nurse *ex abundanti cautela* carried the key of "The Enclosure" in one hand, and my brother and I contested for her other hand, as a prize of great worth. Regent's Park retains more of its size than Dorset Square, but it is not the illimitable veldt that it was. "The Enclosure" was snobbish, and its snobbery has been very properly curtailed. I well remember how we envied the nurseless urchins in their freedom of the real park across the water. It was on that treacherous lake some forty people were drowned in a terrible ice accident. I remember being hurried out of "The Enclosure" past the tent into which they were carrying the drowned. For many months afterwards there was the draining, levelling, and then the refilling of the lake. All this work I superintended from the banks, and at last watched the water come bubbling up from a huge pipe into the new-made lake with as deep a satisfaction as the chief engineer himself.

But in all these childhood's scenes I do not recall that my father had any part. He was, of course, at this time a very hard-worked man, but Sunday morning he always devoted to his children. I can

picture his solid, kindly face and see his commanding figure wrapped in a dressing-gown of many colours—an old friend—as he sat at the end of the breakfast-table when we were brought down from the nursery. The only other member of the party was Tiger, a favourite tabby cat of whom my father was very proud. He had a great love of cats, and at one time possessed three, which he named Hic, Hæc, and Hoc. The appositeness of the names came to me with the Latin grammar and years of discretion. Two journals were his Sabbath reading—*The Spectator* and *Athenæum*, but he laid down his paper when we arrived, and took that real interest in our affairs which is the only key to children's hearts. One great task was the skilful arrangement of all the animals of Noah's Ark on the breakfast-table, which was rewarded with buttered toast. In a spirit of fairness Tiger was requested to walk among the animals. This if he did without mishap earned him the guerdon of cream. Then there was a careful examination on our weekly studies of the pages of *Punch*, which my father held rightly to be the earliest nursery text-book of history and sociology for the English child. This was followed by dramatic recitals of Mr. Southey's "Three Bears" and some of Jane and Ann Taylor's original poems, and other childhood's sagas. And then when the nurse's fateful knock was heard at the door to take the young gentlemen for a walk, off went my father's huge dressing-gown, two wildly excited urchins sprang into the limitless depths of the arm-chair and

were covered up by the garment, and my father with dramatic breathlessness shouted "Come in!" and was "discovered"—to use a phrase of the theatre—calmly reading the paper at the table. The same dialogue was always maintained. The nurse inquired where the children were; the father expressed his astonishment at their disappearance; Tiger was asked if he had seen them, and remained silent. Then an elaborate search with hopeless ejaculations of the searchers was received with ill-concealed shrieks of amusement by the hiders. At last they are discovered, and the curtain falls on the most glorious hour in the whole week. For just as men and women love the old plays and the old ideas of drama, so children will have the same game of hide-and-seek or what not, and play it in the same way with the same absurd ritual religiously carried out, and he alone is worthy of fatherhood who can take an honourable part in such affairs with real solemnity and enthusiasm.

But these baby days departed, and the Sunday mornings had to be passed in Christ Church, Marylebone, surely the most unsociable church I have ever entered. I used to shudder for fear that after all heaven might turn out to be something like Christ Church, Marylebone. It still haunts me in dyspeptic dreams. It was a huge classical building, as cheerful as a family vault, with one painting over the altar—how many hours have I spent gazing at it—and no other memorable decoration. The congregation were penned apart in high boxes. Our box had tall red hassocks. I used to be allowed to stand on

one of these, until I fell off it into the bottom of the pen audibly and demonstratively. After that I was consigned to the floor, from which you could not see even bonnets, and from this limbo I only emerged by gradual growth. The preacher wore a black gown. My earliest meeting with him must, I think, have been at the font. I remember his grave tones, clear voice and dignified presence. I know now he must have preached excellent sermons, for he was the Rev. Llewelyn Davies. But in those days my brother and I fully believed he was the anonymous " righteous man " in the Psalms whose doings and sayings are so carefully chronicled.

From Regent's Park we moved away to Kensington, and thence to Holland Park. Here it was that in the seventies, during the last few years of my father's life, I heard in snatches from himself and his older friends something of the story of his career. I was then at King's College School, which at that time was situated below Somerset House, and as I travelled up and down in the Underground—often with my father—and did my home-lessons in his library and dined with him nearly every night, and often went to the play with him of an evening, I had the good fortune to see more of him than I should have done had I been away at school.

He must have had a keen struggle in his early days to reach the position he did at the Bar. Born in London in 1816, he was only sixteen years old when the sudden death of his father made it necessary for him to earn his own living. He was then

being educated at the Philological School, an old foundation in Marylebone, but he left school at once and went into a merchant's office. Edwin Abbott, the head-master of the Philological School, continued his firm friend, and years afterwards his daughter Elizabeth married my father, who was then a Serjeant. But I do not propose to write of my mother in these pages, since I could not do justice to the grace of her memory, and the dim vision of it is my own affair.

The Abbotts were, as I understand, an old family of yeomen and farmers in Dorsetshire. I have seen a pamphlet concerning the great George Abbott, Archbishop of Canterbury, who bravely withstood James I. in the matter of the Essex divorce, showing that he was of the same family. I hope it may be so. My father used to laugh at genealogy, but for my part I rather like to speculate on pedigrees and family history. It is pleasant to trace one's line back to tanners and farmers and attorneys, even with a dash of the Church thrown in. The ancestry of the horse and the greyhound is a study for every gambler on the course, and why should not a student of eugenics be interested in the evolution of the entries for the human race?

Whilst he was in a merchant's office my father attended classes at the Aldersgate Institution, a valuable educational society promoted by Lord Brougham, and he became a constant attendant at a debating club held there. He was a great believer in orderly debate as a method of education,

and was always ready to discuss with me the subject of debate in my School Society. The art of speaking he thought should be equally a part of elementary education with reading and writing, and his view was that if such were the case the charlatan and the windbag would have less chance of capturing the ear of the public.

From the merchant's stool he found his way to the British Museum, where he was an assistant for some years, and formed a lasting friendship with Anthony Panizzi, who was then keeper of the printed books. I remember Richard Garnett showing me one of the slips in the catalogue in my father's handwriting in the days before that great work was printed. All this time he was reading for the Bar and taking an active interest in the political movements of the day. George Jacob Holyoake remembers him as a young law-student at No. 5, Gray's Inn Road. He describes him as a stalwart, energetic platform speaker, and notes that he ultimately acquired two styles like O'Connell, the more gaseous of which he retained solely to illuminate electors.

In 1842, the year before he was called, he was one of the most active members of the Moral Force Chartists. Hanging on my walls in a dark, old-fashioned veneered frame is a large print in many colours of the famous Charter—a harmless exploded torpedo nowadays no doubt—but in 1842 the symbol of a grave reality. For Chartism, as Carlyle pointed out, was "the bitter discontent grown

fierce and mad, the wrong condition therefore, or the wrong disposition of the Working Classes of England." With the ring of the true prophet in his words he foresaw in 1842 that Chartism " did not begin yesterday; will by no means end this day or to-morrow . . . new and ever new embodiments, chimeras madder or less mad have to continue."

My father's part at this time was the editing of a magazine called the *National Associations Gazette.* The problem it set itself out to deal with was why when all kinds of property were recognised and protected the property which a man has in his labour was to be unsupported and unrepresented. The political programme, in the " order of going in," so to speak, was (1) the Charter; (2) Universal Suffrage of men and women; and (3) National Education. I have often heard my father in argument with other reformers laying down—too dogmatically as I thought—that National Education before Suffrage was the cart before the horse. If you educate masses to think and deny them the power of practically endeavouring to translate their thought into national action it is bound to break out into anti-national actions. Who shall say in regard to recent events in England and India that there was not much good sense in his reasoning.

From my very earliest childhood I seem to have heard of Chartists and Chartism and the " Condition of England," question which, after all, remains with

us to-day turbulently unanswered. Very often of a Sunday afternoon we would drive over to some obscure lodgings in Paddington to see Mr. William Lovett. I remember him as a mild, amiable, white-haired old gentleman who had a wonderful facility for making models, and whilst he and my father talked of the old days of the National Complete Suffrage Union and Birmingham meetings, I used to inspect with ardent curiosity some ingenious model of Windsor Castle upon which Mr. Lovett was at work. I think my father and some others assisted Mr. Lovett, and I know that he had a great admiration and affection for him, which continued until his death in 1877. I stood in great awe of Mr. Lovett, for I knew that he had been heavily fined for refusing to serve in the Militia in days long ago, and had suffered imprisonment in Warwick gaol for his protest against the unconstitutional employment of the Metropolitan police in Birmingham. This frail, delicate old man, with the cunning fingers building quaint models in a back parlour in Paddington, the sweetest and friendliest of human beings, had been, in the eyes of the government, a revolutionist. I was always ready to go with my father to see him. I liked the mystery of him.

The energy my father displayed in his early years at the Bar must have been considerable. He was much in demand as a lecturer, and as he told me, for a year or two his main source of income was the delivery throughout England of his lectures on the Oratory of the Bar, the Pulpit and the Stage, and

another interesting series on the French Revolution, a subject in which he was deeply read.

I came across a gentleman in Manchester who well remembered his lecturing at the Athenæum in 1844, and gave him great praise for his dramatic recitals on the Oratory of the Stage. But his practice at the Bar must soon have made lecturing tours unnecessary and impossible. When he was called he said in fun to some friends he was entertaining, that as soon as he was earning a thousand a year he would give them all a far better feast. The banquet took place within four years of the invitation.

His interest in politics never diminished. But when he had made his great name as an advocate, all invitations to contest a seat in Parliament were refused. In 1847 he contested Norwich unsuccessfully against Lord Douro and Sir Samuel Peto, and in 1857 stood for Finsbury against Thomas Slingsby Duncombe, who was returned by a large majority. In this election he used to say his chances were seriously interfered with by a charge—not true, in fact—that he had signed a petition to open the Crystal Palace and British Museum on Sunday. As he explained, the only reason he had not signed such a petition was that he had never been asked.

I have often heard my father speaking in Court, but it was at a time when I could understand very little of the merits of the dispute or the quality of the advocacy. He was one of the leaders of the Home Circuit, a veritable nest of giants, with Bovill,

Ballantine, Hawkins, Lush and Shee. In those days the Home Circuit was a reality. It was before the abolition of local venue, and every case had to be set down in the assize town of the county in which it arose. Thus at Guildford, Kingston or Croydon, all Surrey cases had to be tried, and the lists took a fortnight or more to finish. My father sometimes took a furnished house at Guildford in the summer, and we all moved down there, and on occasion I was taken into Court to hear him speak. In later years I heard him in several cases, but in no speech of first-rate importance, and I never heard him defend a prisoner, at which, I have been told by good judges, he had few equals. I should say his great asset as an advocate was his honesty and openness. There is no such thing as first-rate advocacy without a large measure of frankness. He was very smooth and good-natured in cross-examination, recognising that to make your way through the defences of the enemy requires, if the enemy is alert, more strategy than force. He never indulged in those snappy interjections and quarrelsome interferences which are but too common, and which, to my mind, are the very badge and stamp of incompetent advocacy. I fancy to-day his speeches to the jury would be too ornate, too eloquent and too full of oratory, but in his own day, and among the juries he had to address, it was more true of him than of any other that " persuasion hung upon his lips." Nor can I be very clear that his style was really too flamboyant, for I was brought up myself in the school

of Russell and Holker on the Northern Circuit, where there was a passion for business methods, and curt address and the use of the bludgeon, rather than the rapier, in cross-examination, which has not even to this day penetrated to the more leisurely south. For I find that even in southern county courts advocates are known not only to demand the presence of juries, but to address them with great complacency on any subject at any distance from that subject. County court juries are nearly unknown in the North, where a trial is regarded more as a matter of business than an affair of display.

When my late brother Judge Willis, K.C., was a junior he was a constant visitor at my father's house at Holland Park, and I well remember him telling a capital story of Holker's wit as an advocate. Holker was cross-examining a big, vulgar Jew jeweller in a money-lending case, and began by looking him up and down in a sleepy, dismal way, and drawled out, " Well, Mr. Moselwein, and what are you ? "

" A genschelman," replied the jeweller with emphasis.

" Just so, just so," ejaculated Holker with a dreary yawn, " but what were you, Mr. Moselwein, before you were a gentleman ? "

The answer was drowned in a roar of laughter.

" Capital story, Willis, and very clever," said my father as he finished laughing, " always supposing Holker didn't want to get any admissions out of the fellow afterwards."

It is a pleasant and fairly easy thing for an advocate to score off a witness, but it does not always mean business, and nothing is nearer to the gospel of the matter than this, that every unnecessary question in cross-examination is a blunder and every question the answer to which you have not foreseen is unnecessary.

Affairs of conscience at the Bar and the duty of the advocate were often discussed between my father and his legal friends, and in the late seventies, when I was at King's College School, I heard many interesting conversations on these themes.

As an illustration of his argument someone told a story of an old special pleader whose name I forget. Special pleaders, I may remind the reader, did not address the Court, but drafted the "pleadings," as they are called—that is to say, the documents in which the parties state their respective cases and endeavour to settle the issue. In the old days these pleas were very technical, and special pleaders who signed and settled the claim, defence, rejoinder, sur-rejoinder, rebutter and sur-rebutter made good incomes out of constant but small fees.

The Pleader was in his chambers in King's Bench Walk, when late one night a young Hebrew clerk of a firm of City solicitors rushed in, and throwing down half a guinea and some papers said, "I vant a plea."

"But what sort of a plea—what is the defence?" asked the Pleader.

"There is no defence," said the candid clerk, "but

the governor says he vould like a set-off. He vants to gain time."

"Hm!" said the Pleader, "a merely dilatory plea to gain time. I don't approve of such a thing; but still——"

He drew out his "Bullen and Leake" and copied out the first plea he came to, which was to the effect that by agreement made by and between the plaintiff and defendant, the defendant bargained and sold to the plaintiff certain Russian hemp, to arrive by and be delivered by the ship *Sarcophagus*, at the price of £15 per ton, and after further formalities the defendant sought to set-off the price of this Russian hemp against the plaintiff's claim. This he handed to the boy, who took it away.

A year afterwards the same lad returned with another set of defenceless papers and another half-guinea, and asked for a similar plea to be drawn. The Pleader looked at him doubtfully.

"What became of that last case?" he asked.

"Ve proved your plea! Ve proved it!" cried the young clerk in triumph. "It vos magnificent! Ve vant another. Ve cannot prove the same plea twice."

The moral verdict seemed to go against the special pleader, who had not, it appeared, been properly instructed in the Russian hemp affair, and it led my father to a curious story of a case in which he had recently appeared in an inquiry *de lunatico*. I had driven down with him one Saturday some time before to Dr. Tuke's private asylum, where he went

to interview his client. The gentleman had great wealth and was very eccentric, and had recently announced in public that he was our Saviour. He was certified as a lunatic and had demanded an inquiry. When we arrived at the house he was playing a game of billiards with his coat off, but he shook hands very amicably with my father and put his coat on, and he and the solicitor went along for a conference whilst I had a hundred up with a young doctor. I had never seen anyone who was supposed to be insane before and could not understand, how such a thing could possibly be suggested of the gentleman I had just met. My father told me on our way home that he had asked him all manner of questions, which he answered in the most business-like manner, and then he said, " I found I must ask him a question, about his mania. ' Have you or have you not,' I asked, ' maintained that you are our Saviour ? ' "

" I have," he said, " and I can give you proofs," and he proceeded to ramble incoherently and foolishly. " When he had finished," continued my father, " all I said was ' Well, Mr. X., no doubt you believe in it, and if you are asked about it you must speak the truth, but in my humble opinion it is not a strong point in our case.'

" ' You think not ? ' asked Mr. X. eagerly.

" ' I am sure of it,' said my father. ' Absolutely convinced of it.' Mr. X. nodded his head thoughtfully, and so the conference ended."

When the case came on, Ballantine for the

relatives cross-examined Mr. X., who gave him very admirable, straightforward answers, until the jury shifted about uneasily and wondered why the man's liberty had been interfered with. At last Ballantine came to the conclusion he must get to grips with him, and suddenly asked him very sternly: "I put it to you, that on several occasions you have proclaimed yourself to be our Saviour? Is that so? Yes or no."

Mr. X. smiled.

"I have consulted my legal advisers on that point," he replied in a firm, quiet voice, "and they are all clearly of opinion that it is not a strong point in my case, and under those circumstances I must decline to answer any questions about the matter."

Ballantine could not get him to move from his resolution, and he was restored to his liberty and his estates.

My father and Ballantine were great rivals at Westminster and on Circuit, and I remember my father coming home with a capital story against himself which he used to tell with much glee. He and Ballantine were engaged in a case before Baron Martin, and he heard a Scots clerk in whispered tones pointing out to a friend from beyond Tweed the various celebrities.

"Who is yon?" whispered the visitor, pointing to the judge.

"Martin! Baron Martin," replied the cicerone. "He's a grand mon, a great mon!"

"And the mon that's speakin' the noo!"

"That's Ballantine. He's a great advocate. He's a grand mon!"

"And the big mon sitting next him?"

My father pricked up his ears intently. The guide's voice fell a semitone to a minor key. "That! Oh, that's Porry! Serjeant Porry. He's a highly over-r-rated mon."

I wish my father could have lived long enough for me to have heard him at his best at one of those Garrick dinners, where he loved to get two or three gathered together in the right place and enjoy pleasant discourse over the walnuts and wine. Good port and good stories were his hobbies. There may be better ones, but I doubt it. And anyhow "so long as a man rides his hobby-horse peacefully and quietly along the King's highway, and neither compels you nor me to get up behind him—pray, sir, what have either you or I to do with it?" But if I had had the sense or foresight to play the Boswell, what a collection of good stories even I might have chronicled. Years after he was gone I was brought up to a London county court to fight an employers' liability case, and the counsel against me was Mr. Wildy Wright. Good-natured, obtrusive and antique were his methods of advocacy, but I was glad to have met him in the flesh, for he recalled to my mind my father returning from Croydon Assizes bubbling over with delight about a story of a "certain judge" recently appointed and Mr. Wildy Wright.

The judge had been puzzled by a fierce objection to evidence made by Mr. Wildy Wright, and reserved

his ruling on this point until he had consulted his brother judge at the adjournment.

During the luncheon interval he put the point to his brother, who was deeply puzzled.

"And who raised the point?" he asked after a few moments of complicated thought.

"Wildy Wright."

"Oh!" replied his brother with a sigh of relief, "Wildy Wright! Overrule it. And if he makes any other objections, overrule them too."

The learned judge, much relieved, went back to Court, and in courteous, silvern tones said, "Mr. Wright, I have carefully considered the objection you raised before the adjournment and consulted my learned brother, and we are both agreed that I ought to overrule it. And I may say for your assistance that if in the course of the case you make any other objections, I shall feel it my duty to overrule those also."

Now I begin to remember those old days and that very happy home, I feel I should like to try and paint many pictures of its happiness, but it would be far from my purpose. All I wish to set down is that from the very first, like Mr. Vincent Crummles's pony, who, you will remember, went on circuit all his life, I was brought up among briefs and the talk of law shop and the traditions of the profession. It was always one of my ambitions to go to the Bar, but I had very little hope then that it would be realised. My elder brother, John Humffreys Parry, who chose afterwards to go on the stage and, after

playing in America with Richard Mansfield, died at the beginning of a brilliant career, was far better equipped than I was to wear my father's robes when he should lay them down. Moreover, in early life, to use a north-country phrase, I " enjoyed " bad health. I had nearly every fever known to physicians and fell into the surgeon's hands twice, breaking a collar-bone and nearly losing my left hand with an accident arising out of and in the course of my employment by running a chisel through it whilst building a toy theatre. In these and other ways my school-days were often interfered with, and I have been " backward " as the phrase is ever since.

And how things might have shaped themselves had my father lived, I cannot say. But that was not to be. For in January, 1880, with little warning, a tragedy swept away the home that in my young seeming was the one beautifully permanent, solid fact in the whole world. My father and mother died within a day of one another and were buried on the same morning. And there was no home, only a memory.

CHAPTER III

STUDENT DAYS

Ah, you have much to learn; we can't know all things at twenty.

CLOUGH: "The Bothie of Tober-na-vuolich."

As a great writer says, "I am naturally averse to egotism and hate self-laudation consumedly," and yet I must tell this story once again, for it seems to me the natural motto of my undertaking. I was passing up Peter Street away from my Court when I heard two railway clerks discussing a case I had just decided. This was their dialogue, with formal parts, as we say in the law, omitted.

"1st Clerk: How the —— did he get to £5?

"2nd Clerk: I don't know.

"1st Clerk: I think he's a —— fool.

"2nd Clerk: I think he's a —— fool (a long pause, then as an afterthought), but I think he did his best."

In the evening of the day on which I overheard that excellent saying I was at a public dinner with no reporters present—not that their absence or presence ever worried me very much, for the Manchester reporters were all kind friends of mine, and stacked the wild oats of my after-dinner chatter into very

neat sheaves of morning print. The fact, however, enabled Dean Maclure to be expansive. In proposing my health, after many sarcastic and amusing allusions to my varied virtues, he expressed the hope—alas! not fulfilled—that, as he alone could do justice to the subject, he might live long enough to write my epitaph.

That was the cue for the story, and I shall never forget the Dean's genial roar of laughter as I pictured him unveiling in his beloved cathedral a little white marble plaque, on which was cut in severe black letters:—

HE WAS
A —— FOOL,
BUT
HE DID HIS BEST.

I remind my readers of this story here at the beginning of things, because, looking forward to the round unvarnished tale I have to tell, I am very conscious that I shall convince them of the justice of the first part of the epitaph, and if I nothing extenuate and set down naught but what is strictly accurate, I am by no means sure that when the faculty is applied for in the Ecclesiastical Court to erect that little marble tribute to my memory someone will not enter an appearance with these recollections of mine exhibited to an affidavit, and move to strike out the last line of the epitaph as embarrassing and irrelevant.

The first foolish thing I did in connection with my twenty-five years sojourn in Manchester was to come there at all. I remember Henn Collins—then a leader on the circuit—telling me, with very clean-cut emphasis, what he thought of my folly only a week after I had settled down. It was the Peter Street verdict, without the adjective, and this was repeated to me by very many of the kind friends I made in the first few months after my arrival. Everyone asked me, " Why had I come to Manchester ? " and for the life of me I could not give them a coherent and logical answer.

But there I was, a very junior barrister, with a very junior wife and a still more junior daughter, all desirous of being comfortably provided for ; and to my eternal gratitude and surprise, Manchester rose to the occasion and not only—to use the slang of the tables—" saw me," but " went one better " than my best hopes in contributing to my career.

What little accidents determine the course of a man's life ! We start like streams from the mountain source, intending to fight our way down into the valleys where our fathers have preceded us. But on the upper slopes at the outset of our career we meet some boulder or bank of earth and are turned west instead of east, and so away into quite other valleys and along towards another sea. If anyone had told me when I was eighteen that I should be County Court Judge of Manchester within fifteen years I should have put a sovereign on the other way or given the long odds in a hopeful spirit.

For there was nothing of Manchester in my thoughts when, after my father's death, I left King's College School and gave up for ever those pleasant journeys in the old underground railway, where we learned our lessons by inferior gas-light in an atmosphere of sulphur. Honestly, looking back on that school in the underworld of Somerset House, I have an uneasy feeling that there was no health in it. But there were pleasant companions, and, if you cared for such things, much classical learning and Church doctrine. It did not occur to the boy mind that light and air were necessary to healthy life, and of course it had never entered the thoughts of the pastors and masters responsible for that scholastic warren. Whilst I was there I carried away with me a few prizes and a broken nose, and a knowledge of those portions of the Church Catechism which fitted in with the place in class where I sat of a Monday morning. I was sixteen when I left school, and for the first time in my life began to seriously consider the desirability of studying things. I have been some sort of a student ever since.

My first idea was to study mathematics with a view to trying for a scholarship at Cambridge. I wonder if I had followed that stream into what dead sea it would have carried me. I know as a fact that I was accounted fairly good at the subject, but that is difficult for me to believe to-day, for anything more complicated than very simple addition I always refer in a thankful spirit to the

Registrar. Afterwards I fancied I would be an artist, and joined the Slade School and drew in the "Antique" for a few months. I got very little encouragement there. Legros once looked at one of my drawings, and took up a piece of charcoal as if to show me some of the errors of line in my work; but his heart failed him. He sighed, shook his head, grunted a guttural French grunt of despair, and turned on his heel. However, I can boast that I am a pupil of Legros, and if he treasured my piece of charcoal it may yet be a valuable lot at Christie's—who knows?

At the end of 1881 I had made up my mind that it was time to commence a career with money in it. I chose the Bar because I knew no other. I went down to the old courts at Westminster, and, finding one of my father's clerks, got him to take me to Sir Henry James, as he then was. He was a very old friend of my father, and not only signed the necessary papers with pleasure, but introduced me to Sir Farrer Herschell, who was sitting next to him, and he signed as well. With such godfathers, I was cordially received into the ancient house of the Middle Temple, after satisfying two reverend benchers that I knew enough Latin and history to make it unwise for them to expose the amount of their own knowledge of these subjects by asking me further questions.

Thursday, January 19, 1882! More than thirty years ago. And yet the memory of my first dinner at the Temple is here to-day:

winnowed out of the myriad happenings of all these years.

I see a thin slip of humanity shrinking among his elders into that historical Elizabethan hall and asking the old mace bearer with whispering humbleness where he may sit. Unknowingly, he chooses the place of captain of a mess—the arbiter of the feast of four—and, taking courage from the unwonted gown, brazens out his position until his want of knowledge of the ceremonies concerning the first glass of wine exposes him as a newcomer.

I know that there was plenty of genial talk and laughter at that table, but I remember none of it. For in my heart of hearts I was wondering why I had come there at all, and feeling that the ghosts of all the great Templars of the past were chuckling among the rafters at my folly, and that, truly, I was honest food for their mocks. But among all my hopes and fears and forebodings Manchester certainly had no place. Yet the "writing on the wall" was there, or, rather, he was sitting with his back to it on my left-hand side. His name was Smith, and he came from Manchester.

Richard Smith, who sat next to me on the occasion of my first dinner in hall, was my earliest experience of Manchester, and indeed if I had never met him I cannot suppose that I should ever have joined the Northern Circuit. He had come to the Temple late in life and was nearing his call. I believe he had already been a bleacher, a dealer in pictures, and a clerk to a public body. I know he had been at

Oxford, because in an unlucky moment on circuit in a heated discussion after dinner he had called in aid of his argument his University degree, and was ever afterwards known as "Smith, B.A." But for me it was sufficient that he was the only man I ever met in the Temple who could talk lovingly and intelligently about pictures. He had the square face of a lion, wearing in those days a heavy beard. He barked and growled at you in argument and was cocksure he was right. That is a very Manchester virtue. I write of it with jealousy, for it is an attribute I have vainly striven to acquire. You know the story of one of Manchester's most eminent sons who was always in the right. Some friend remonstrated with him gently, saying, "Why be such an egoist?"

"Egoist!" was the calm reply. "I'm not an egoist—I know!"

And so it was with Dick Smith. He knew! But, Micawber-like, he failed to persuade others to take him at his own valuation. His venture at the Bar was not a fortunate one. I like to remember him, full of hope and enthusiasm spending a day or two with me in the summer, sketching on the Thames at Datchet, or playing chess in the common room in the winter and laying down the law on every conceivable subject in his rough, Manchester tongue. When he left the Temple to start his practice in Manchester, the Middle Temple common room seemed to me for some days "remote, unfriended melancholy, slow." But this was only a passing

mood. Dick Smith and his pride of Manchester became a fading memory, and I continued to thoroughly enjoy my three years' work in the Temple.

I cannot help thinking that men make a mistake in rushing up from the University to eat their dinners and getting called to the Bar directly they leave college. Law is, at least, as uncertain and dangerous a science to the patient as medicine, and the student of law should be compelled to " walk " the courts, as the medical student is compelled to " walk " the hospitals. For my part, I attribute what success I had at the Bar to the fact that I worked at the practical business of the profession for three years before I was called. I read in different chambers, and during the last year of student days had the privilege of reading with Danckwerts, who was and is, no doubt, one of the greatest lawyers of our day. It is curious to remember that in 1884 the gossip of the Temple was concerned in discussing whether Danckwerts or Asquith would succeed R. S. Wright as Treasury " devil," so blind are the quidnuncs to the throw of the shuttle of fate.

A junior with such a heavy practice as Danckwerts's cannot do much more than give you the run of his chambers, but that, as Loehnis said, was like " turning a team of asses into a field of oats." Loehnis devilled for Danckwerts in those days. He was a shrewd, sound lawyer and a kind-hearted senior to our pupil room, and the Bar lost

an honourable and learned brother by his untimely death. Considering the work he did and the hours he worked, it was wonderful how much personal attention Danckwerts gave to his pupils. He would often call one of us into his room and discuss some opinion or pleading we had drawn. I remember on one occasion, having pointed out to me the hopeless errors of the legal opinion I had given, he wound up his remarks by saying: "And suppose, when you are called, you get a case of that kind, what is going to happen to you?"

"When I get a case of that importance," I replied, "I shall certainly insist on having you as a junior."

The great man laughingly agreed that I had made a wise resolution.

Bertram Cox was undoubtedly the ablest pupil in my time. He neglected an ordinary career at the Bar and specialised on heavy public legal work, and was rightly rewarded by being appointed legal Under-Secretary to the Colonial Office—a position which I believe Mr. Chamberlain invented in order that the office might have the benefit of his services. He is now the solicitor to the Inland Revenue. Another pupil was Bartle Frere, who is a legal luminary at Gibraltar. Danckwerts seemed to instil into his pupils the capacity to arrive. Frere was one of the merriest fellows in the world, always doing some careless and amusing thing, on the strength of which Cox and I built up apocryphal stories about him which we insisted upon as traditions of the pupil

room. Thus it was asserted to be Frere who, after carefully studying the papers in an action for seduction, had drafted a defence of contributory negligence. I believe, however, there was some foundation for the story that in his early days he wrote an opinion to the effect that, as every step taken up to date on behalf of the plaintiff was useless, the best thing he could do was to drop his present action and commence an action for negligence against his solicitor.

"Excellent advice, no doubt," said Danckwerts dryly, "but you seem to forget that we are advising the solicitor."

The last time I met Frere was in Norwich, about 1896. I had gone to sit as judge for Addison, and took my seat in the old Castle Court with great dignity, bowing to the Bar, when I looked up and my eye caught Frere's.

"Good heavens, it's Parry!" he cried out in an audible voice, and laughed heartily at the idea of finding me on the bench. The Court did not hear the interruption, but Parry did, and enjoyed it hugely. We dined at the Maid's Head that evening, and had a pleasant crack together, recalling many stories of the old pupil room in New Court. No doubt memory brightens o'er the past, but certainly no youngsters ever learned their business under pleasanter auspices than we did.

Outside the pupil room there were lectures to attend, scholarships to be read for, dinners in the old hall, and debating clubs meeting on several evenings

in the week. Mindful of my father's advice, I had always kept in touch with an old boys' debating club at King's College School, and now I joined the Hardwicke and a very pleasant and more social club, the Mansfield. The Hardwicke was a conservative institution, and I remember startling the ancients of our benches by raising a debate on the effect of the Pre-Raphaelite movement on the art of the country. Everyone spoke on it, and the frank expressions of dogmatic ignorance and the enthusiastic denunciations of the works of the school were thoroughly healthy and entertaining. Still, we mustered a stalwart minority, and a little later gained a practical victory over the Philistines. I was elected on the committee of the Hardwicke, on which Clavell Salter—now a K.C. and M.P. for the Basingstoke division—was an important official. The society was in funds, and we resolved to spend them in creature comforts; not in olive draperies and sunflowers, perhaps, but in reasonable luxuries. Our meeting room was at that time floored with boards, the door opening from the road banged violently whenever anyone entered, and the uncovered gas-jets in the centre glared and hissed at you distressingly during your oration. Without a word of our purpose to the general body of members we adorned the room with a carpet, a screen to hide the door, and some glass globes for the gas. Incensed with indignation and breathing fire and war, the hosts of the Old Bailey came down upon us in wrath. Geoghan the eloquent Cagney the

persuasive, and the subtle Burnie closured our debate, carried the suspension of the standing orders, and on a motion to surcharge the upstart members of the committee rent the air with denunciations of our malversation of the funds and our want of patriotism in destroying the ancient amenities of their beloved Hardwicke. It was with difficulty that our side continued the debate, which was of an earnest and fiery nature, until the hour of the adjournment. By next week we whipped up our supporters, who were base enough to prefer comfort to tradition, and we remained in office. The prophecies of decadence and disaster came to naught. The Hardwicke survives in prosperity. Long may it flourish.

This habit of debate and discussion naturally led us to desire to try our strength in a wider field of battle. Some took one side and some another, but for myself, from hereditary example perhaps, I have always been fond of belonging to a minority; and now that I have been a total abstainer from politics for many years, I may freely admit that in the eighties I was an ardent Radical, and, naturally, a disciple of Mr. Joseph Chamberlain, who in that day was preaching the reforms that Mr. Lloyd George is now putting on the Statute Book. I was a member of the Eighty Club, then a Whig institution, and as Radical speakers were greatly in demand I got many opportunities of political speaking all over the country. As a very young Radical in a minority among many superior persons, it was, of course, part

of my duty to criticise my elders and betters whenever I got the opportunity. As an artist friend said of me, I had an unfortunate habit of "getting out of drawing," even outside the studio, and I remember very well an instance of this at a dinner given in the autumn of 1895 to Trevelyan. It was the custom of the club for a senior to propose and a junior to second a vote of thanks to our guest. On this occasion Haldane was the senior and I was the junior. I had made up an eloquent little speech, but in accordance with my usual habit—then and now—I made another. Haldane had—as I thought rather unnecessarily—made a great many allusions to the "nephew of Lord Macaulay," as though Trevelyan bore no other claim to fame. When my turn came I got a round of applause for welcoming our guest as himself, a personality far more interesting to the working politician of to-day than the mere nephew of a Whig peer. Trevelyan himself seemed to enjoy the joke, and wound up the proceedings by an appeal to the younger members for missionary work, in which he referred very pleasantly to some of my father's Radical fights of old days, and congratulated me on belonging to the true faith.

I was naturally rather elated as I walked home along the Embankment with our energetic honorary secretary, J. A. B. B. Bruce—the Busy Bee, as we called him.

"No doubt, Parry," he said in his quiet, thoughtful way, "you think you've been jolly clever, but what I'm wondering is when Haldane is Lord

Chancellor, and you want a County Court judgeship, will you get it ? "

I hope it is not lese-majeste for me to repeat this story to-day, when at length the hopes of the Temple have been fulfilled and the double event which Bruce foresaw has come to pass. It was a commonplace of Temple talk that some day Haldane would be Lord Chancellor, but it required the deep foresight of Bruce to hazard the suggestion that I should ever be in a position to apply for a judgeship of the County Court.

And I cannot look back on those old days without seeing the figure of one dear friend—the bravest and kindest of men, Archie Stewart. I know this, that no one who came within his sway can have forgotten his memory, and there must yet be many in the Temple who will be glad to recall it. Tall, handsome, broad-shouldered and erect, swinging with a curious gait across the courts of the Temple, one could not but be attracted by his presence. His frank engaging smile, his cheery voice all alike evidenced the joy of life. And yet when he entered the library and the attendant stepped up to him and lifted off his coat with its heavy cape, you saw at a glance the tragedy that his brave heart never acknowledged. Both his arms were paralysed and deformed from childhood and were practically useless. He could write slowly and with difficulty, pushing the pen by a movement of the shoulder, but in nearly every ordinary movement in life, in eating, dressing, carrying and lifting

he required assistance. And yet he would start away from Kensington in the morning and come down to the Temple, leaving his servant at home in the knowledge that throughout London he would always find someone to help him. When you got used to his movements you did not seem to notice his deformity, so little did he make of it himself, and so cleverly did he use the little strength and capacity there were in his hands and arms. The things that he could do were wonderful. A light wineglass he could lift with his lips, drink from it and replace it almost gracefully, and he could pick up a weighted chessman—it was his favourite game, and he played above the ordinary—in his mouth and hurl it accurately on to any square on the board. His favourite method was to steer the men along with his pipe, but in moments of triumph and enthusiasm he seized them in his lips. He was a constant speaker at the Hardwicke—clear, shrewd and learned. How he read so much and had conquered his enormous difficulties it is hard to understand. Among other things achieved, he had learned to swim, and he could cast a bowl from his instep with cunning, skill and accuracy. In due course he was called to the Bar, and whenever I came to town I used to turn into our old chambers in Pump Court, and find Stewart smoking like a furnace and laying down the law to some junior in large practice who had come round to have a few words with him about a difficulty. It was curious how many men accounted learned in the law were well pleased to have

their views ratified or reformed by Archie Stewart. I remember hearing him hold at bay a Divisional Court, consisting of Coleridge, C.J., and R. S. Wright, J., with a learned argument about a demand for rent at common law, in which he gave them an interesting dissertation on the legal history and archæology of the matter, with few notes and, of course, without books, for he was unable to hold them. The Court rightly complimented him on his performance, and thinking ahead in those days I used to imagine what a great judge my friend would have made, with his bright logical Scots mind and his deep sympathy with human nature down to the lowest, which he had learned from the respect and kindness shown to his misfortune. He told me that in all his wanderings about London day and night alone no one had ever offered to rob him, though he was in the habit of asking any stranger to take his money out of his pocket to pay railway or other fares. I was not the only one who predicted for Stewart some position of honour in his profession. But it was not to be. Very suddenly one summer holiday he was taken. It was at his home at Rannoch. He belonged to an ancient race of Stewarts, and in his quaint way used to boast that if he were to sue for the Crown *in formâ pauperis* there would be flutterings in high places. Some years afterwards I made a pious journey to his resting-place. In his ancestral park, on which the blue peak of his beloved Schiehallion looks down, there, surrounded by grey stone walls and tall

fir trees, he lies among cross-legged knights in armour, tall well-limbed warriors of his race, but among them all there is not one who fought the fight with a braver heart than the last comer.

It begins to dawn upon me that all these beckoning shadows and calling shapes which throng into my memory when I begin to write of my student days in the Temple are keeping me too long from the main purpose of my story, but in my next chapter I will at least get called to the Bar, and then, as there will be no work for me in town, I shall have to pack up my bundle and go into the wide, wide world to seek my fortune.

CHAPTER IV

CALLED TO THE BAR

—is it not well that there should be what we call Professions, or Bread-studies (*Brodswecke*) pre-appointed us? Here, circling like the gin-horse, for whom partial or total blindness is no evil, the Bread-artist can travel contentedly round and round, still fancying that it is forward and forward, and realise much: for himself victual; for the world an additional horse's power in the grand corn-mill or hemp-mill of Economic Society.

CARLYLE: "Sartor Resartus."

IN 1884 I was appointed by Mr. Justice Mathew to the first legal office I had the honour to hold, and went with him on the Oxford Circuit as judge's marshal. Mr. Justice Mathew was a very old friend of my father, and was one of the team that prosecuted Arthur Orton for perjury. Of those five, three survivors now remained; Hawkins, Mathew, and Bowen, and all were on the bench. A judge's marshal has one official duty; he swears in the grand jury. His other duties are to act as the judge's secretary, to see that everything in the judge's lodgings runs smoothly, and to suffer admonition gladly if anything goes wrong. At the end of the circuit Mathew said at least this in my favour—that I was the only marshal he had ever had who could carve a chicken and open a soda-water bottle without injuring the carpets.

We went the Oxford Summer Circuit. Butt was our brother judge. It was a delightful and valuable experience. Mathew was an ideal judge in criminal cases, and I have never forgotten a maxim he was very fond of quoting and acting upon: "When the prisoner is undefended the judge must be his advocate." In altered terms, it is a counsel of perfection for a County Court judge or any magisterial person who has the poor always before him. To see him double the part of prisoner's advocate and judge was to witness a masterpiece of subtle wit and honesty. There has been much discussion of late about the bias of judges. To my thinking a judge without bias would be a monstrosity. Mathew was an Irishman and a Liberal. But I never remember his bias interfering with a straight delivery; unless, indeed, it was on the trial of an undefended Irish poacher at Oxford. There truly the Liberal disappeared in the judge, but I think the Irishman swerved a little from the true line. Anyhow, Mercy had her way, and the poacher was acquitted.

There were many who regarded Mathew with something like terror, and for the life of me why one with so kindly a heart should have rejoiced on occasion in appearing as a man of wrath I cannot say. Perhaps it was that if he followed on all occasions his humane instincts he felt that discipline would not be maintained, and that he was really, as it were, taking gymnastic moral exercise in working himself into histrionic anger about nothing in particular. There was generally a sense of humour

in these displays which the sufferer was often too agitated to enjoy. I remember on one occasion an unfortunate sheriff had spelt and printed and published Mathew's name on the calendar with two t's. The judge sent for him and received him in the drawing-room of our lodgings in grave state. He explained to the High Sheriff, who stood quaking before him in a yeomanry uniform, that the offence he had committed might well be regarded not as petty treason, but as high treason, being in effect an insult through him as Judge of Assize to Her Majesty herself. He sent for Butt and solemnly discussed with him whether he was not in duty bound to fine the unlucky sheriff at least £500. Butt, who was never more delighted than when he could play his part in a jest, for some time seriously agreed with Mathew, and the two discussed whether imprisonment was necessary as well. Then Butt began to think the fun had gone on long enough, and took the sheriff's side and begged his forgiveness. But Mathew, who was really vexed at slovenliness of this kind, dismissed the sheriff and adjourned his decision until the morning, "for," said he in Cromwellian phrase and intention, "the fellow must be taught his place."

But on another and more amusing occasion he caused grave fright to Lister Drummond, my brother marshal. Drummond was an ardent Catholic—a convert, I believe—and of course Mathew belonged to a very old Catholic family. I fear we marshals must have been somewhat of a trial

to our respective judges, and every now and then Mathew would put his foot down. One morning we both arrived at breakfast rather later than usual. Mathew was reading the paper and eating his bacon alone, and looked at us in a very Johnsonian and surly manner, and only grunted a reply to our greetings. Breakfast proceeded in silence until the judge had finished, when he put down his paper and said:

"Whose bedroom is next to mine?"

"I believe mine is, Judge," I said with hesitancy.

"Hm! Then who on earth was talking to you until two in the morning?"

"Well, you see," I replied more cheerfully, seeing a mischievous retreat, "it was Drummond, but I'm sure you will approve of it when I tell you that he wants to convert me to the Holy Faith!"

"Does he?" roared Mathew, banging his fist on the table and glaring at Drummond. "Then you may take it straight from me, Drummond, that if you continue to convert Parry in the small hours of the morning, I leave the Church."

He swept out of the room, leaving Drummond as limp as the jackdaw of Rheims.

Mathew had a considerable power of acting, and could have taken a hand with the best in the old sport of quizzing or "smoking" the victim, which is known to the moderns under the name of the game of spoof. I remember well when we were travelling to some cathedral town I was specifically ordered to get copies of a ribald and amusing local paper

called the *Bat*, or the *Porcupine*, or the *Jackdaw*, or some such sarcastic beast or bird. This I did, and the two judges thoroughly enjoyed an open letter in it to my Lord Bishop of the diocese. The next evening the Lord Bishop dined with us in state, with other dignitaries of the city. When we retired to the drawing-room, there on the table, duly arranged with the *Times*, the *Spectator*, the *Law Journal* and other staid prints, were the blatant covers of the offending papers. They caught the Lord Bishop's eye. He frowned and looked gravely on the carpet. Mathew, with his ready observation, noticed the episcopal uneasiness. He stepped to the table in sudden anger. He seized the offending copies and turned to me with a look of grave sorrow, illuminated by a tactful quiver of the left eyelid.

"Isn't this disgraceful? I can't hinder you from wasting your money on such trash. But to bring them into the judges' rooms and leave them lying about here——" He stepped to the fireplace and threw them into the fire with a sigh. "Surely, Parry—surely you do not need to be told not to do such things."

And once more the Bishop smiled a smile of righteousness and peace.

It was only a few weeks' experience, but it stands out as one of the times when I learned something of the technic of advocacy. I was only a "walker on" to the stage of the Court, it is true, but I was on all the time, and could take note of the courses of the stars. Henry Matthews, Q.C., and Jelf, Q.C., were

doing constant battle in the Civil Court, and Darling was defending poachers and other offenders on the Crown side. There was plenty of good example for the apprentice to study. And in between whiles we rowed our judges down the Wye to Chepstow and nearly spilled them in the river, and journeyed to Edgbaston to kiss Cardinal Newman's ring, and visited under the pleasantest circumstances the old houses and castles and cathedrals of the Midlands; as if all the world were playing holidays when you went the Oxford Circuit in summer.

At the end of 1884 I was married, and in January, 1885, I was called to the Bar. I determined to go my father's old circuit, the South-Eastern, and went down to Cambridge and Norwich and Maidstone to look round, but came to the conclusion that there was woefully little to do and plenty of able men to do it. I took a room in Middle Temple Lane in the old wooden building on the left as you turn out of Fleet Street. My name was painted on the door, but I doubt if anyone read it but myself. I wrote some stories for the *Cornhill*, started a law book that was never finished, and began editing Dorothy Osborne's letters. As the Bar did not require my services, and I thought the country did, I made many excursions for the Eighty Club.

I spoke several times for an old friend of mine, Tom Threlfall, head of the Salford Brewery, who had come out as a Liberal against the Hon. Edward Stanhope in the Horncastle Division of Lincolnshire. The agricultural labourer was coming into his own,

and the clergy often refused us the use of the schools, so we spoke from a wagon in a field. We had a knot of independent farmers who supported the cause, and we all drove together in a big brake to the place of meeting. I shall never forget a serious *faux pas* of Threlfall's. We were passing between two fields heavily manured with the favourite Lincolnshire dressing, and all the farmers sniffed it up with smiling approval. It was too much for Threlfall, and he buried his face in an elegant cambric handkerchief. One of the farmers frowned slightly, and, by way of encouraging explanation, said: "Eh, man! Pig moock! Fine!"

The farmers were sorely puzzled at his want of appreciation, and I could not help feeling that Threlfall was not really cut out for a Lincolnshire member. Unfortunately, the voters thought so, too; but he made an excellent fight.

At the end of the year, at an old boys' dinner at King's College after the election Sir Richard Webster, as he then was, proposed my health as president of the debating society, and chaffed me for belonging to the wrong camp; but I was able to point out that I had done good work for both parties, for I had spoken for fifteen Radical candidates and not one of them had been returned.

The fact was that at that date the followers of Chamberlain and his "unauthorised programme," as it was called, were under the grave disadvantage of working against the ill-concealed hostility of the moderate Liberals.

I expect when the history of the time is known it will be found that when Gladstone nominated Rosebery as his successor instead of Chamberlain he naturally destined his party to their long sojourn in the wilderness. Certainly in 1885 Chamberlain was as great a name to conjure with as it is to-day. I was present at Bristol at the Liberal Colston dinner just before the autumn election, and shall never forget the enormous enthusiasm with which his name was received.

With the exception of Gladstone, I have never heard a speaker who could play upon any given audience as a musician upon a great organ, pulling out first this stop and then another, and winding up with some diapason of eloquence, some grand swelling burst of harmony, that made speaker and audience, player and organ, one vast instrument of triumph.

The most wonderful instance of his magnetic influence and power that I ever witnessed was when he dined with the Eighty Club on April 28, 1885. It was an open secret that the majority of the club did not want him to be invited, but a Cabinet Minister could not be passed over. The audience was apathetic. They laughed awkwardly when he introduced himself as one " who certainly has never worshipped with Whigs in the Temple of Brooks's." He seemed to get no echo from his audience and became uneasy. He was speaking from notes piled up on a heap of oranges in a high dessert dish. Suddenly I saw him drop a page back on to the

heap—he left his notes and his voice rang out amongst us in a graphic picture of a Birmingham slum and the children crying for milk, and the shameful contrast of the well-fed, sleek mob in front of him. Melodrama, perhaps, but rattling good melodrama. It made Radicals for the moment of every Whig in the room, and when he returned to his notes and quoted from the "Corn Law Rhymer," in tones of triumphant fervour :—

> They taxed your corn, they fettered trade;
> The clouds to blood, the sun to shade;
> And every good that God had made
> They turned to bane and mockery—

cheers echoed and re-echoed, and there was not an ounce of Whig left in his audience.

Alas! the whirligig of Time brings in his revenges. In a few years Chamberlain had an entirely new set of politics, and I had none whatever.

Eighty-six dawned, but the sun did not shine very brightly in Middle Temple Lane. I had one or two briefs, certainly, but there seemed no outlook. The South-Eastern Circuit was a far too expensive amusement for my pocket, and, now that the election was over, there seemed nothing to do but to write stories that ungrateful editors did not want and to sit in chambers waiting for unintelligent solicitors who never came.

It was one winter afternoon. My boy was out at lunch. I was sitting in that upper chamber in Middle Temple Lane wondering if there would be

more room for my interesting personality in Australia than there seemed to be in the old country when I heard an eager, heavy footstep on the last flight. Footsteps generally stopped at the top of the flight before, where an eminent Old Bailey junior held out. These footsteps came upward and along; they were unknown and substantial. Evidently those of a solicitor—of weight. I felt that something important was going to happen.

There was no knock at the door, and in a moment who should fling himself into the room but Dick Smith.

"Not a bit of good living up all these stairs; you should begin on the ground floor. Time enough to come up here when you are all the fashion and the solicitors must come after you."

"What are you doing in town?" I asked.

"M'Lachlan *v.* Agnew and Others. Rolls Court, before Anderson, Official Referee. Pankhurst leads me, but he has gone back to Manchester. Shiress Will, Q.C., and Lewis Coward against us. What are you doing?"

"Nothing whatever," I answered somewhat dismally.

"Come along and take a note for me this afternoon."

I had been feeling like a gambler eternally cut out of the table, and here was a hand in some sort of game dealt for me to pick up. I caught hold of my blue bag, and putting a note on my door with some pride to say I was to be found at the Official

Referee's Chambers in Rolls Court, followed Dick Smith up Chancery Lane.

There is a geographical secret about Chancery Lane that I have discovered. It leads straight to Manchester.

M'Lachlan *v.* Agnew and Others should never have happened at all. It came about mainly because Lachlan M'Lachlan was a Scotsman and a photographer, and knew that he knew everything about art—in which he mistakenly included photography—whilst the defendants, Sir William Agnew, Sir Joseph Heron, and Mr. Alderman King, knew that they knew better than M'Lachlan.

Each set out to prove his thesis to Mr. Anderson, Q.C., in his dingy chambers in Rolls Court. Neither succeeded, but perhaps Anderson learned something about art and the parties something about law.

Lachlan M'Lachlan's pet idea was that a camera not only could not lie, but that it could tell the truth, and even interpret new or historic truths pictorially, He conceived the loyal and patriotic idea of a great picture, to be entitled "The Royal Family," which was to depict a group consisting of every member of the Royal Family surrounding our Gracious Sovereign Queen Victoria in one of the rooms at Windsor. Each individual was to be separately photographed. the room and its furniture were to be photographed in detail, and then the photographs were to be enlarged, cut out, and pasted on a huge canvas, from which was to be painted a picture of great size. When this was done the camera again came into play.

Negatives of various sizes were to be taken, and the ultimate prints sold to the public.

I have very little doubt there was some artistic value in the original design of the group, for that was the work of that sincere artist Frederic Shields, and his sketch group, which was prepared in 1871, won the approval of her Majesty the Queen, who not only gave M'Lachlan several sittings herself, but issued her mandate to the various members of the Royal Family that they were to be photographed in such dresses, uniforms, and attitudes as Lachlan M'Lachlan desired. The various adventures of M'Lachlan in pursuit of his Royal victims would fill a volume. This part of the work took some two or three years, and the great scheme nearly failed because a Princess who had in the meanwhile grown out of short skirts refused to put them on again to satisfy M'Lachlan's passion for historical accuracy. This matter was—so M'Lachlan used to tell us—referred to her Majesty and decided in his favour.

In 1874 the first photographs were completed, but the plaintiff had exhausted his means in working on his great project, which required new capital before it could be finished. There is, I think, no doubt that the defendants were actuated in the first instance by the kindest motives, and through their influence about twenty guarantors found £100 apiece in order that the wonderful historical picture might be made.

M'Lachlan had the faith and enthusiasm of a patentee. No expense could be too great, no time

too long to assure the perfection of his work. The defendants, on the other hand, regarded themselves as the kindly patron of the poor artist, ready to lend him some money, but eager to see it return again with that huge additional interest that is the modern Mæcenas's expectation when he deigns to encourage literature or art. Such a combination could but end in one place—the law courts, though it took many years to reach its natural destination.

I think it was nearly 1877 before the great canvas picture was produced. It measured 17 ft. by 10 ft. 6 in., and was insured by the defendants for £10,000. Even when the picture was finished there were long delays in producing the negatives of different sizes. More money was wanted, and deeds and agreements were drawn up, unauthorised prints were condemned by M'Lachlan and issued by the defendants, and meanwhile the portraits were becoming more and more historical, and a picture that might have had some popularity in 1871 had little chance of success some ten years later.

It was in March of 1885 that the case was opened at Manchester Assizes. Dr. Pankhurst was for the plaintiff. No one on the circuit could have trumpeted forth the wrongs of M'Lachlan with more eloquent indignation, and few juniors could have enveloped the court in a foggier atmosphere of financial complications. In tones of emotion and excitement the learned doctor's voice would soar into a falsetto of denunciation of his opponents' chicanery, winding

up in a cry to heaven—or whatever Pankhurst put in its place—that their villainy might be punished. It was not, indeed, wholly without justification that some wild circuit rhymer wrote in Falkner Blair's " Lament on Going to India " :

> When I hear in the midst of the jungle O
> The shriek of the wild cockatoo,
> I shall jump out of bed in my bungalow
> And imagine, dear Pankhurst, it's you.

It is, of course, easy enough to make fun of a great man's mannerisms, but Dr. Pankhurst, as a witty conversationalist, an eloquent speaker who could keep his subject well before a mixed audience on a high plane of thought, and a man of earnest convictions in moral and political affairs, was honestly admired by all who had the pleasure of his friendship. But it must be admitted that at the Bar he was not at his best. He could not readily sink to the mundane problems by solving which so many disputes are decided. I remember on a Local Government Board inquiry, presided over by Colonel Ducat, the engineer of the Board, I appeared for one district and Pankhurst for another. We were opposing inclusion into a larger district. Pankhurst, as senior, started the harangues by throwing up his arms and shouting out on a top note, " I am here to justify the opposition of the down-trodden minority of the Stand District. I say I am here to justify the opposition of the down-trodden minority of the Stand District."

And justify it he did in passages of great eloquence,

close reasoning, and apposite quotation from history and literature, which were a pleasure and privilege to listen to. When it was all over, and his adherents' applause had died away, Colonel Ducat looked up from his notes and said: "I've listened very carefully, Dr. Pankhurst, but I'm not clear even now whether you are in favour of the 12-inch drains or the 9-inch drains."

I should like to have heard Pankhurst open M'Lachlan's case. Mr. Justice Hawkins listened to it for three days. At the end of that time figures were mentioned, and Hawkins got frightened, and promptly referred the matter. What a waste of time and money to have started it at all. It was a year afterwards, in the middle of the reference, that I found the case rolling heavily along, a mass of negatives and photography and correspondence and confusion. Pankhurst was unable to continue in the case, and they gave me a junior brief to Richard Smith. I never really understood what the quarrel was all about, but I do not think anyone else did, unless it was Smith, who made an excellent reply for the plaintiff.

I only remember one smile during the many weary hours we spent in those dingy chambers in Rolls Court. Sir William Agnew was being examined. He was always somewhat pompous and well-to-do in his manner, and Smith did his best to annoy him. A question arose as to the authenticity of a letter written by the plaintiff on Agnew's Bond Street letter paper.

"I suppose," said Smith, "if any customer in your shop—I beg your pardon, emporium—were to ask one of your servants for a sheet of notepaper, he would give him one?"

"I hope not, sir," said Sir William, with expansive dignity, "I hope he would hand him two or three."

Old Anderson looked at Sir William in Scot's surprise, and said in his broadest accent, "Do you really mean that, now?"

I do not think I ever saw the ultimate written judgment of the Official Referee. I believe both sides appealed from it, and no appeal was ever heard. It was, from the point of view of English litigation, one of our failures. There ought to be a compulsory conciliation court for troubles of this nature, at least to sift out what the quarrel and dispute really is. But I look back to the case with pleasure. I don't think the result left M'Lachlan worse than it found him, and it certainly did me a good turn. During those days I heard from Smith of the wonderful possibilities of the Bar in Manchester, and I made up my mind I would at least join the Northern Circuit. This I did without delay, and before the summer I had taken a little house in Heaton Road, Withington, and turned my back on London for ever.

Just to show what a lot I knew about Manchester, I moved down in Whit-week—or tried to. For Manchester has an excellent and sacred custom in Whit-week. Nobody does any work.

CHAPTER V

EARLY MEMORIES OF MANCHESTER

I see the huge warehouses of Manchester, the many-storied mills, the great bale-laden drays, the magnificent horses.

"Towards Democracy."

AND by moving down to Manchester in Whit-week I found myself indeed plunged into a new world. For Whit-week, as I said, is a universal holiday among all sorts and conditions of people, and every man, woman and child has his or her share in the feast. For the shops close, the workman goes to Blackpool or the Isle of Man, and the employer to Paris or the West Highlands, or St. Andrews, or North Berwick as the mood suggests, and Lancashire and Yorkshire play cricket at Old Trafford and the races are run, and the children dressed in white, carrying their banners, move in procession through streets thronged with admiring parents. And that all may be at peace and goodwill the Protestant children "walk"—that is the Manchester word—on one day and the Roman Catholics on another, for fear the good Christian parents of either denomination should batter each other's skulls whilst their little children are singing "Lead Kindly Light." And if you want to see one of the prettiest sights

in the land, go and see the children "walking," the little Catholics for choice, because their frocks are daintier and their banners more picturesque, and their parents in the crowd, among whom you should stand, are more Irish, enthusiastic and full of epigram. But by no means go to Manchester in Whit-week if you want to buy or sell. And if you have to move into a new house it is obviously not the right season to make the attempt, for at this season no money or entreaty will save your vans from being held up, and you may make up your mind to lay your carpets yourself. When you become a citizen of Manchester you recognise the sanity of the Whit-week festival. It comes at a time when days are long, weather favourable, the despair of winter behind you and the joy of summer at your feet. Some day all England will acquire the Whit-week habit, and it will cease to be the special luxury of Manchester.

As there was no possibility of work or any kind of progress in domestic affairs, I had ample leisure to survey the city and study its geography. My earliest impressions were not prepossessing. The town of Manchester seemed to consist of one long street—Market Street—which was far too small for the trams and lurries and men and women who wanted to use it. All the other streets seemed half empty, and this one was overcrowded. The costumes of the inhabitants struck me as grotesque. Men's gloves were only to be seen in the shop windows, and I wondered why they were there at

all, but discovered afterwards that the devout carried them to church or chapel on Sundays. Top hats were worn, certainly, but generally with light tweed suits. Frock coats were surmounted by boating straws, and I remember the shock experienced by my Cockney mind when I met a native clothed in correct black coat and silk hat in Albert Square ruining his chances in life, as I thought, by the added blasphemy of a short pipe. It must not be thought that I sighed deeply for the Babylonish garments of the Temple, for I soon learned that in Manchester, of all places, you might

> Gi'e fools their silks, and knaves their wine,
> A man's a man for a' that.

And, for myself, I cared for none of these things, and no doubt Charley McKeand—whose outspoken comments on men and manners were the joy of the circuit—was fully within the truth when he insisted, as he always did, that I was the worst-dressed man on the circuit.

But truth compels me to say that my memory of the first aspect of Manchester was a scene of hustle, roughness, and uncouthness rather depressing to a stranger in a strange land not to the manner born. I discovered before long the kindness of heart and the real sense of independence that underlies and is the origin of the Manchester manner, but I still think that there are many natives who mistake incivility for independence, thereby lowering their fellow-citizens in the esteem of mankind.

I could quote many instances of what I mean, but one will suffice. An eminent Withington butcher, having delivered meat of exceptional toughness, my wife remonstrated with him about it, when he blurted out, "Nay, missis, it's not my meat—if anything's wrong, more laikely it's your teeth."

It is this kind of greeting that puzzles the softer races of the South.

And if there was one thing more than another that impressed me as having the real spirit of Manchester abiding within it, it was the lurry. I use the word lurry with the true Manchester spelling as though it were an English and not merely a Manchester word. The lurry is symbolic of the city and the dwellers within its walls. The lurry incarnate in wood and iron is a cart or wagon, what you will, a four-wheeled, oblong, flat tray, cumbersome yet capable of bearing great burdens. There is a stern largeness about its aspect, a straightness about its course—it is never at its ease in turning corners —which always suggests to me an ancient Roman origin, though there is a noble catholicity about it which is quite the reverse of Roman, for it will carry anything for money. I have seen a two-horse lurry marching slowly down Market Street bearing only a solitary blue band-box. But its chief and usual burden is a load of bales of cotton cloth. From the upper windows of narrow streets heavy pieces of cloth are flung accurately and rapidly on to the lurry waiting below, and the driver, moving within

an ace of destruction on the floor of the lurry, stacks them solidly together until the load is complete. Then when the sun shines—as it has been known to on occasions even in Portland Street—the lurry, with its two magnificent horses, strolls proudly away to station or steamer, no tarpaulin covering its snowy burden—the harvest of Lancashire—and when your stranger's eyes follow it with admiration, you begin to learn something of the spirit and character of the city whose symbol it is. For the lurry is a carrier of goods from man to man, a four-wheeled middleman, moving in a straight, dogged, obstinate course, shoving lighter affairs aside, disputing its right to all the street even with its own municipality and their trams, caring little who goes down beneath its hoofs and wheels so long as the cotton bales and pieces arrive and are sent forth, and that the loads are pressed down and shaken together and running over, and that business is good.

And the lurry horses, like the Sunday School children, have their feast day also, which is the first of May, when, bedecked with ribbons and caparisoned in gleaming harness, they parade the streets. Who that has seen them will ever forget the splendid teams of Robert Clay, the bleacher, as they swing round into Albert Square on a sunny first of May and gladden the hearts of Manchester man, woman and child, with a vision of strength and wealth and beauty and business?

For the first idea of Manchester is business, and the

second idea of Manchester is business, and the seventy times seventh idea of Manchester is business, and the outward and visible sign of the Manchester idea is a lurry laden with cotton cloth. And had I had a hand in the emblazoning of a coat of arms, instead of a beehive—whose denizens are, after all, but a dull set of socialist fellows, fond of rural pursuits and little embued with the Manchester ideals—I would have set aside that *terrestrial globe semée of bees volant on a wreath of the colours*, and instituted a lurry—not *rampant* or *courant*, but *passant*—day and night constantly and eternally *passant*, until the last Manchester contract is fulfilled and the last load of cotton goods is delivered.

I do not say I learned all this about Manchester in one Whit-week. On the contrary, it took me a quarter of a century to find out what little I have learned, and even now I recognise that I am only outside the veil of a great mystery. For the heart and life and being of Manchester and its surroundings is a human study worthy of a sane and honest philosopher, if such a one exist, and I am only attempting to set down a few traveller's notes, as it were.

Now, at first, no Courts were sitting, and I sat in my chambers, which were up two flights of stairs in 41, John Dalton Street—where I remained even in the days of my prosperity—and there I settled to work on my edition of Dorothy Osborne's letters, and only heard the blurred rattle of the lurries over the stone setts through the double windows which

all Manchester offices must have to preserve the sense of hearing of their inmates.

And though I think it is a good thing for the fledgling barrister to write a book of some sort, so that he may have an occupation to keep him in his chambers, and be there ready to greet that first great cause which is going to bring him fame or fortune, yet he should never miss a meet of the profession at sessions or assizes, even though he is well aware he is merely going to sit at the receipt of a custom that is not there.

The Manchester Assize Courts, where most of our local courts were held, are very handsome and convenient buildings. Any other city but Manchester would have approached them through something better than a slum. But there is not a single entrance into Manchester that can be described as either comely or decent. The individual public buildings of Manchester are, many of them, of exceptional beauty. How fine the Town Hall would look—if it were washed! The streets of Manchester are by no means badly cleansed. Why should Manchester wash her feet and not wash her face? Why should Manchester fail to appreciate what other cities of Europe seem to understand, that you do not only want fine buildings, but worthy roads and streets to see them as you approach? It is the approach shot that Manchester has to learn in architecture.

I shall never forget my first walk down Strangeways towards the Courts, and the despair that entered into my soul as I thought of the Embankment

and my beloved Temple, with its pure fountain and its memories of Tom Pinch and Ruth. How dismally I compared these with the filthy, black, oily river, the grimy cathedral, the ancient four-wheeled cabs, and their miserable horses bending their knees and drooping their heads as if in worship of the graven image of Oliver Cromwell, and then a plunge underneath clanging railway bridges and along a mean Yiddish street, to encounter a glad surprise when the glorious vista of the Law Courts swam into my ken. As a practical joke upon the stranger within your gates—excellent! As a piece of municipal town planning—rotten!

But if I seem to dwell too much on the deficiencies of Manchester as a great city, it is only because I am trying to recall as honestly as I can the first impression it made upon my little Cockney mind, for to-day when I return to its flags and setts I pace them with as much of the pride of a real citizen as my modesty will allow. And though the outward aspect of the streets was somewhat forbidding, the kind-heartedness of the inhabitants was soon made manifest. It was a wild venture I had made, but I had one introduction that I presented without delay, and that was addressed to Mr. C. P. Scott, of the *Manchester Guardian*. Of all Manchester people Mr. and Mrs. Scott had the true Manchester instinct of hospitality. It did not matter that the people introduced were young, unimportant and of no account, that made it the more necessary to entertain them and introduce them to others. It was

not many weeks therefore before dining at Mr. Scott's we met his chief assistant editor, W. T. Arnold.

The world knows Arnold as a writer and historian. I can only speak of him as a kind friend and my master in journalism. That I should ever have commenced journalism at all in Manchester rested in the main on one of those accidental foundations upon which the world seems mainly to be built.

At that first dinner-party at Mr. Scott's house my wife went in with Mr. Arnold. I can remember the occasion well because the whole idea of the gathering was so new to me. For instance, in London if you dined with a judge there were leaders of the Bar, a dull stranger and two old solicitors who had briefed the judge in earlier days. If you dined with an artist there were patrons, and if possible a critic. If you dined with a professor, it was all professors, if with a doctor, all doctors. But here were barristers, journalists, specialist doctors, members of Parliament and merchants all round one table, and the talk never degenerated into any one special "shop." Manchester is exactly the right size for a dinner-party, and there are enough of all sorts and conditions of workers in it to bring together a really interesting company. Moreover Manchester knows how to entertain. It happened, then, that my wife began to talk to Mr. Arnold about the Seine. We had had a very interesting trip up the river that summer with an artist friend, taking over a half-outrigged boat from Oxford, starting from Caudebec and rowing up to Paris, camping out *en route*. Arnold

was enthusiastic about France and all things French. Moreover he knew Les Andelys and Chateau Gaillard and Pont de l'Arche. I think my wife claimed that we were the first English folk to row up the Seine, except, of course, Molloy and his four on French rivers—for had we not camped on the Ile St. Georges below Rouen where they were wrecked, and learned all about their adventures from Madame, the grandmother of the farm.

But Arnold was sure that he had read something recently about it—he remembered he had cut it out —it was in the *Pall Mall.*

" That was our trip," replied my wife.

Arnold bunched up his black eyebrows and had a good look at me across the table. After dinner he said in that off-hand, desultory way that hindered him getting to the hearts of some Manchester men—Oxford has its drawbacks, after all—

" Do you care to write for the *Manchester Guardian* occasionally ? "

Did I care to write ? What a question to ask a young man with a wife and daughter and rent and taxes and no hope of an old age pension.

The bargain was struck, and the next week I commenced dramatic critic. Arnold approved, and I remained.

I never caught the *Manchester Guardian* manner, and I know I was too enthusiastic and unacademic, but I wrote on all sorts of subjects, and shall always remember the kindness of Arnold, who was my immediate chief, and all the staff, from the highest

to the lowest. Generally Arnold's blue pencil was rightly wielded, but now and again, of course, enthusiasm scored.

I remember among a lot of books to review I had singled out the "Auld Licht Idylls," by J. M. Barrie. I am glad to say for my reputation as a reviewer that it captured me and I enthused. I came into Arnold's room in the office after the theatre. I can see him now, sitting wearily in the midst of proofs and papers. He looked up at me as I entered with an amused smile—he regarded me, I think, as an irrepressible, journalistic infant.

"That Scots' book, you know," he said, pulling out a proof—"Walter Scott and Bret Harte and Mark Twain rolled into one. Really, Parry, when will you grow up?"

I defended my point of view earnestly, and after listening a while he shrugged his shoulders, saying, "Good night; it's not badly written—except for the adjectives. I'll see to it." He did see to it—with the blue pencil. For Arnold did not believe with the moderns in discovering a new literary genius once a week and canonizing him on the spot. He was a high priest of letters, and his literary saints had to be thoroughly tested in the pure fires of his critical insight before they were consecrated. But months afterwards he was just enough to say as I brought him in a theatre notice, "By the way, Parry, that Scots' book. I've read it. We might have left in all that about Mark Twain and Bret Harte—and even Scott. But mind you don't do

it again; you won't find another Barrie in a hurry."

I have not; nor indeed have I found another Arnold, so patient, cynical, learned and full of kindliness to those who worked under him. He was indeed a great loss to Manchester and the English Press. He too was, like myself, a stranger within the gates. He came to Manchester in 1879 from Oxford, where I think he had been a coach, and he had certainly brought from Oxford the best she has to give. For nearly twenty years he was a hard-working journalist, but he never lost his love of scholarship, and he was a scholar without pedantry. In his old-world house in Nelson Street, the site of which is now, I think, covered by the Infirmary buildings, he loved to greet newcomers and cheer them on their path with good-humoured, sane and helpful thoughts. He knew the best of Manchester, for he, too, loved to explore on foot or a-wheel the moors and lanes and woodlands which lie within such tempting adjacence to the city. "I see him," writes one who knew him best, "alert and vigorous, his broad shoulders somewhat over-weighted by the strong intellectual head, his dark eyes full of fun and affection." The picture is by a great artist, and it cannot be bettered.

The stage lost a real friend in Arnold. His criticisms were not the fretful, carping essays of the moderns. He had the capacity to do common-place work earnestly, and gave of his best to the task of every day. Moreover, he loved good acting, and knew

it when he saw it, and was catholic in his tastes. Like all men, he had his mannerisms. As he said of himself, "It is the pedagogue in me which needs subduing," and in the main he kept it under. Yet I think I could trace his unsigned writings in the Press by his love of a French phrase. The French were always with him, and in season and occasionally out of season, like the great Mr. Wegg, he dropped into French. Some of these adjectives were well chosen. Thus Irving's humour in the grave-digger's scene was *macabre*; Pinero understood the use of the *mot de la situation*; and the English opinion of the French classical writers was *sangrenu*—I have but a hazy notion of the meaning of the word, still it sounds satisfying. These words are expressive, but on occasion he would, to show he was a mortal journalist, descend to *déclassé* and *tour de force* like the lower infusoria of the reporter's room.

I remember in his French enthusiasm he gave me to read a criticism in a French paper—by Sarcey, I fancy. "Why cannot we do work like that? Why can't that be done in England?" he asked.

"I think it might be," I replied. "Indeed, under proper conditions, I think I could do it myself. All I should want are the same conditions as the French fellow—half the first sheet of the *Manchester Guardian* once a week to print my criticisms on, and, of course, Sarcey's salary, and my name at the bottom of the page."

The ribaldry of demanding half the first page of the *Guardian* for anything but advertisements was

too much for Arnold, and the gathering rebuke of flippancy dissolved in laughter.

Arnold was disabled at forty-four and died in 1904, at the age of fifty-two. Bravely and unselfishly he bore his weary years of sickness, using every available hour for scholarship and study. I last saw him in Manchester some time before his death. He was then very weak and ill and in great pain; but I remember this of it at least with pleasure, that when I came to say farewell at his bedside the word he whispered, at which I proudly caught, was "friend."

And it was through the kindness of Mrs. Scott, too, that Miss Gaskell and her sister became aware of our existence and collected us into their fold, so that whenever some actor or doctor or artist or musician or writer or thinker came to Manchester there was an invitation to meet him or her at their historic house in Plymouth Grove. It is hard to say whether these pleasant dinner-parties were more refreshing to the body or the soul. One reads of the Parisian *salons* of the reign of Louis XV., but one cannot believe that the privilege of attending Madame Geoffrin or Madame Necker could be compared to the honour of an invitation to Plymouth Grove. Art, literature, music, and drama were impersonated by the greatest artists, though they were not there as lions to gaze at, but rather as friends of the home. The hospitality and elegance of the entertainment would have been a happy memory for Lord Guloseton himself, and as he came away he would have sheathed his silver weapons

with content. Though these were things other houses could give you, the real treasure casketed in the shrine of Plymouth Grove was the homely welcome which great and small received from the high priestesses. It was a *salon* of Louis XV. conceived in the spirit of Cranford.

And if, as we are promised, there are to be many mansions in the realms above, I trust it is not impious to hope that one will be situated in some Elysian Plymouth Grove, exact in every detail to the dear original. For it must have the same semi-circular drive approaching its old-fashioned portico, and the steps must be a trifle steep by which you reach the shuttered door, and I must be permitted to be young again, unknown and obscure, and to drive up in a heavenly hired four-wheeled cab, so that when the door is opened by some neat angel maid-servant I may feel fully again the honour that is done me. Everything must be in its place in the beloved drawing-room, for each book and picture, and piece of furniture had its own welcome for you, and though, of course, I should like to meet the shade of Charlotte Brontë as well as some of those noted men and women who were visitors in my day, yet all I shall really wish for is the Manchester welcome the good ladies gave me twenty-five years ago. For if heaven is to be a success, there must be kind hostesses to welcome shy, awkward, unknown, youthful persons like myself, and make us at ease and at home in the presence of the great ones. And though I write this as a nonsense dream, I do it because I find

it easier to express truth in that form. And it is certainly true that the good ladies of Plymouth Grove made Manchester for me and mine as they did for so many toilers of all degrees, a holier and better place.

Falkner Blair was another kind friend who discovered me when I first went to Manchester, and helped by his kindly greeting to make its skies blue for me and its sun to shine on me, He was the leader among those juniors who practised mainly in the Crown Court, and was afterwards a judge in India. He and Arnold were good friends, though they had little but Oxford in common—Oxford has its advantages—and Blair called Arnold "the Don" and Arnold nicknamed Blair "the Agreeable Rattle."

For I remember feeling very lonely wandering about the Courts in those early days, when Falkner Blair came up to me and said, "Is your name Parry? Well, come up and take the dogs for a walk and have some dinner." It appeared I had met some relations of his, but any pretext was good enough for Blair to open his house to a newcomer and see what he was like, and he was a real friend to his juniors.

Blair was a great character. He was a fine cross-examiner, an eloquent speaker, and a better lawyer than many supposed, but he was undoubtedly indolent. Full of fads and enthusiasm, he was an excellent talker, the remains of a classical billiard player, a most redoubtable gourmet, and a great lover of dogs. The three collies of those days,

Bruce, Vixen, and Luath, were well known in the neighbourhood and greatly admired by the "doggy."

Blair had a ready wit. I remember him escorting some ladies round the law courts during the luncheon hour when they came across the antique spears of the javelin men piled in a corner of the corridor outside the judges' room. "Whatever are those used for?" asked a lady, gazing at them admiringly.

"Those, my dear madam," said Blair with prompt decision, "are used by the Judge in the Crown Court when he charges the grand jury."

The ladies looked at them with reverent awe and shuddered.

Just as I was beginning to do a little work I was invalided, and the doctor wanted me to go to the Riviera in January. As I could afford neither time nor money for this I decided on Barmouth. I was very depressed about having to go away, and, meeting Blair, told him my trouble. He was overjoyed. There was nothing doing, and he and Mrs. Blair and the dogs would join us. He would go ahead and get rooms with his friend Mrs. Davis, at the Cors-y-gedol. I wonder how many remember that fine portrait of the dear old lady that her son-in-law, Phil Morris, R.A., painted.

Blair in an hotel became a kind of proprietor of it and chief guest rolled into one. The first night we were nearly all awakened by a horrible noise of clashing bells. It ought to have been a fire, but nothing had happened, we were told. What really

occurred Blair explained at breakfast without a notion that there was any reason for apology or regret.

"I sat up till about half-past twelve, and went up to bed and said, 'Where's Vixen?'" —the beloved dogs always slept with him. "There was no Vixen. I went downstairs and looked everywhere, and then heard poor Vixen whining outside the front door. I tried to undo the chains and things, but couldn't manage it, and couldn't find a soul about, and there was the poor dog whining outside. Luckily"—what an adverb to choose—"luckily I found a broom lying about, so I just swept the row of bells in the passage backwards and forwards until quite a lot of people came, and we let the poor dog in."

The late Bishop of St. Asaph, who had come for the rest cure, left the next morning, but Mrs. Davis only laughed. If Blair was in an hotel it mattered not who came or went.

Blair was full of hygienic fads, and one of them was a very huge sponge, which was placed on the window-sill of his second floor bedroom, and much admired by passers-by in the street. Blair would discourse at length on the properties of the sponge, and how it soaked in ozone all day and gave it forth in the morning tub. One afternoon we were standing at our sitting-room window, which was directly beneath his bedroom, and Blair called our attention to two little dogs having a tug-of-war in the street with what looked like a long rope. Blair cheered

on the smaller dog, leaning out of the window and shouting, "Go it, little 'un! Two to one on the black one. Stick to it! Stick at it! Hurrah! No! What! Good heavens! It's my sponge." The next we saw was Blair with an umbrella separating the combatants and swearing vigorously. The hygienic properties of the rescued morsels were never afterwards referred to.

I learned in that visit the wonderful qualities of Welsh air. I came down scarcely able to walk from the hotel to the station; I finished up in a fortnight with more than a twenty-mile tramp. Blair was a great hill walker, and knew Wales and the Lake District in and out. The younger generation of Manchester will find as they grow old that they have lost many of the pleasures of memory which might have been theirs, because they have spent their holiday hours on crowded tees and in arid bunkers when they might have been learning something of what Coleridge meant when he wrote of

> "The power, the beauty and the majesty
> That had their haunts in dale or piny mountain,
> Or forest, by slow stream or pebbly spring,
> Or chasms and watery depths."

For these things are to be found in Yorkshire and Derbyshire and Cumberland, and, of all places, in Wild Wales. And one who has lived a quarter of a century in Manchester and made good use of his time can at least say this in its favour with all truth and honesty, that it is the best city in the United Kingdom to get away from.

CHAPTER VI

QUARTER SESSIONS

SECOND CITIZEN: Marry, we were sent for to the justices.
THIRD CITIZEN: And so was I: I'll bear you company.
SHAKESPEARE: "Richard III."

THE quarter sessions courts are some of the oldest criminal courts in the kingdom. Some time in the reign of Edward III. their quarterly sittings were ordained by statute, but long before that they were a general court of justices for the maintenance of the peace, though not sitting quarterly. Henry V. appointed them to sit in the first weeks after Michaelmas Day, the Epiphany, Easter and the Translation of St. Thomas à Becket, which is July 7. These dates are but slightly modified by modern statute.

It is curious how through the ages the clever ones of the world have gibed and jeered at justices and justices' justice. And yet at the bottom of the heart of English folk there is a feeling of love for these old institutions, and after all—fair play to them—they work well and make no more blunders in the administration of justice than any other courts, as the statistics of Appeal Courts will testify. But when you have on the bench a large number of laymen, many invested with a power the attributes

of which they do not understand, you are bound to get character and comedy, and that is what to my mind attracted the writers of various ages to the justice of the peace rather than any burning desire for legal reform.

And well it is that it has been so, for otherwise we should never have met Cousin Shallow—Robert Shallow, Esquire—" In the county of Gloster, justice of peace and *coram*. Ay, cousin Slender and *cust-alorum*. Ay, and *rato-lorum* too." And these allusions to-day only tickle the fancy of the antiquarians. But on their own first night every playgoer must have known the difference between a mere justice, and one of the *quorum*, and knew too, that the Custos Rotulorum was the principal civil officer of the county. I wager the play opened with a roar when Shallow stamped himself on his entrance as an absurd boaster who did not even know the titles of the dignities he claimed to have held. One can forgive Fielding his laughable account of Squire Western and his justiceship, which " was indeed a syllable more than justice," for Fielding was a stipendiary magistrate, and I never met a stipendiary who had not a low opinion of the lay justices, the reason being, I suppose, as Montaigne tells us, that " few men are admired by their servants." Dickens was a reporter, and no doubt had come across the actual justice of the peace who sat for the portrait of Mr. Nupkins, but I think he would have agreed that Sam Weller's judgment that " there ain't a magistrate goin' as don't commit himself

twice as often as he commits other people " is to be taken in a Pickwickian sense. Lay justices no doubt do commit themselves individually, but is this not true even of justices of the King's Bench Division? For instance:—But forbear! Who am I that I should suddenly become presumptuous and self-willed and begin to speak evil of dignitaries.

And looking back quite honestly at the work done by justices at quarter and petty sessions, I think the outcry that arises over individual instances of mistake, though good as a tonic for the bench, is not a fair thing if it is the only comment that fellow citizens have to offer to the wide amount of useful and honourable work that is done by the lay magistracy.

But as a beginner at the Bar, I did not go to quarter sessions to study the interesting social problem of the value of a lay magistracy, but because it was in these courts I first attained not only the right of audience, but the thing itself. There were many sessions to attend, the most important being the sessions of the county holden at Lancaster, Preston, Salford and Kirkdale. Then there were the city sessions for Manchester and Liverpool, and borough sessions at Wigan and Bolton, the last-named being genially presided over by that good friend of the circuit, Sam Pope, Q.C. Even if you had no work when you got there, the jaunt into new surroundings and the social meeting when you arrived, and the feeling that after all you had a place in the pageant of some kind, was a pleasant relief

from the dreariness of sitting in chambers. I suppose the racehorse who walks in after the race is over prefers being out on the heath to standing in his stall all day, and so it is with a junior barrister at quarter sessions. It is good to be in the race at all. And then as now, and I suppose as always, there was the same moaning about the want of work and the overcrowded state of the profession. But in the nature of things a profession, to be worth anything at all, must be overcrowded, the struggle for existence must be strenuously fought, many must be called and few chosen or a high standard of work will never be maintained.

There is no doubt at all that the most difficult thing to do at the Bar is to begin. For years you go round the links without a golf ball, as it were, unless you have the luck to pick one up somewhere. Gilbert's classical receipt, namely, to fall in love with the rich attorney's elderly, ugly daughter, is scarcely available to the married man.

I remember a disappointed cynic on the Northern Circuit, watching a third-rate encounter between two barristers of different religions, saying to me: "Parry, if I had my time over again I should start the Bar as a Jew or a Roman Catholic." And certainly if you look among the list of those who have done well in the profession the members of these bodies are not unnumbered among the upper dogs.

Another way to success is to start with plenty of money. As Falkner Blair said of a wealthy young junior, who was keen about getting work, "What a

pleasant thing it would be to have £5,000 a year to buy briefs with—only why not buy something jollier ? "

But money and friendly solicitors are not alone sufficient. Indeed, I have known men who were injured at the opening of their career by having briefs thrust at them which they were not equipped to deal with. Many of us, however, would have taken that risk willingly, no doubt.

If, however, you know no solicitors and belong to no community specially interested in your welfare, and have no money, the only way is to show yourself at quarter sessions in the hope that you may be discovered by some enterprising solicitor.

The quarter sessions of the city of Manchester, holden at Minshull Street, are run by the city authorities. There is a list of the members of the Bar present, and as counsel have the sole right of audience, each prisoner has to be prosecuted by counsel, and the minor cases are " souped " or given out in rotation among the junior bar. After this ceremony was over those of the juniors who had drawn blanks made off to lunch at their clubs, and were seen no more.

I found it sufficiently entertaining to sit in court and listen to Blair and Shee, and Byrne and McKeand, defending prisoners, and my first glimpses of Manchester clubs were so pleasant that I deliberately did not join any for some time, so that I should not be tempted to be away from chambers in working hours. There were generally two courts

at the Manchester Sessions, and it was not long before I was asked by some of my seniors to hold their briefs in one or another.

At that time our recorder was Henry Wyndham West, Q.C. Manchester and West had very little in common. He was a typical Whig aristocrat, born and bred in London, impartial, honest, and fearless in his administration of the law, but apparently wanting in sympathy for, and certainly lacking in knowledge of, the working class in the north of England. It is said that in 1865, when he was appointed to the Recordership, he startled a Manchester jury by some strange comments on the evidence as to the time of a theft. "Then, gentlemen, we are told that this happened at the dinner-hour. I think learned counsel for the Crown should have asked the witness to state the time more definitely, for, as we all know, the dinner-hour may mean any time in the evening between 6.30 and 8."

West, in his day, had had a great practice in the Yorkshire West Riding Sessions in cases as to the "settlement" of paupers, but these were all dead and gone now, and, except in a few important prosecutions, he did not do much work on circuit. For some reason unknown, he and the late Lord Coleridge did not love one another. Falkner Blair used to tell a story of Lord Coleridge coming on circuit in the early days and asking him about West.

"I never see him at Westminster. What does he

do ? " asked Lord Coleridge in his suavest and most silvery tongue.

" He's Recorder of Manchester," replied Blair.

" Ah ! "

" And Attorney-General for the Duchy of Lancaster."

" Dear me ! "

" And judge of the Salford Hundred Court of Record."

" Is he really ? "

" And prosecuting counsel for the Post Office."

" You don't say so ! " said Coleridge, throwing up his head in astonishment. " What a lot of outdoor relief the fellow has ! "

West, however, certainly had his revenge in a case at Liverpool. He was defending some men for assault upon a woman. The jury had disagreed at Manchester, and Lord Coleridge, who was eager to get a conviction—probably for good reason—tried them again in Liverpool. Louis Aitken—who held a junior brief in the case with West—used to give a graphic account of the scene as one of the most polished, yet deadly encounters he had ever witnessed between Bench and Bar.

West had put up some men in the court, and asked the woman questions about them. He did not call the men as witnesses. After West had made his speech to the jury, during which there had been several skirmishes between Coleridge and himself, the Lord Chief Justice began the summing-up and West went out of court. The Chief commented

severely upon West omitting to call the men who had been shown to the jury. Nash, one of West's juniors, jumped up to remonstrate, but Lord Coleridge swept him aside. Aitken went out for West, who returned and made an endeavour to interrupt the judge, for which he was sternly rebuked, and the summing-up continued to the end and the jury retired. Then West, with aristocratic humility, but in the tone of a schoolmaster who is going to administer punishment at the end of the lecture, began :

" My lord, I understand your lordship commented unfavourably on my action in not calling as witnesses the men who were put up in court for identification by the prosecutrix."

" I did, indeed, Mr. West," replied Coleridge in his silkiest manner. " Very unfavourably ; indeed, I regretted to feel compelled to make such strictures on the conduct of counsel."

" I feel sure your lordship would, and it is with equal regret, and only because it is my duty to the prisoners and your lordship, that I must call your lordship's attention to the case of the Queen against Holmes, reported in 1871 in the first volume of the Law Reports Crown Cases Reserved, at page 334. This case overruled the case of the Queen against Robinson, which doubtless your lordship remembers."

" And what does the Queen against Holmes decide, Mr. West ? "

" It decides that such witnesses cannot be called,"

said West, handing up the volume with a grave bow. "Your lordship will find that the Court of Crown Cases Reserved had exactly the same point before them, and overruled your lordship's learned father for the same error that your lordship has fallen into this morning."

Coleridge did not lose his head, but replied with a charming bow and a sweet smile, "I am much indebted to you, Mr. West."

West bowed low, and the duel was over.

Coleridge had to send for the jury and tell them his mistake, which he did, of course, amply and thoroughly, and the men were acquitted.

To my thinking West was a valuable asset to Manchester citizens, and they should have accounted it a privilege to have the constant example of a righteous aristocrat before them, if only to remind them that the Manchester ideal of men and manners is not the only ideal in the world. In nothing did these two ideals clash with greater sound and fury than in relation to commission cases, many of which came before the Court of Record. The commission sought to be recovered in that court was generally about as mean and low a commercial transaction as could be well imagined. On the sale of the good-will of a public-house or a business some tout would get hold of seller or buyer, and if he refused to be squeezed into paying a commission there would be a speculative action.

In one of these cases relating to a public-house I was addressing the jury, and our best point, I

remember, was that up to now no one had paid a commission of any kind, and therefore it was very reasonable my client should have one. I was expatiating on this when West interrupted in his biting way:

"Is it a crime in Manchester to sell a public-house without paying a commission?"

"Not a crime," I replied, "but exceedingly bad taste."

The Manchester jury nodded approval.

After I had won the case West and I walked up Strangeways together. He never wore a greatcoat, and in the summer sported a white hat. I can see his upright figure striding along with hands behind his back and hear the comedy of indignation in his voice as he turns round to me and says, "I tell you what it is, Parry. If a Manchester man sold his soul to the devil, some fellow-citizens would sue his executors for a commission on the transaction."

"Very likely," I replied, "and, after all, there are several members of the Northern Circuit we could spare to go down and take the evidence."

But one would give a wrong impression of West if one left it to be understood that he was an indifferent judge. He was most earnest and painstaking in the discharge of his duties, and though he never sought to gain popularity by sentimentalism, he was very ready if he felt he could honestly do so to extend clemency to youths and first offenders and to the weak who had fallen through temptation. The heavy sentences he gave to the "scuttlers"—gangs

of young hooligans who used to terrorise the back streets—were the subject of much comment. But they stamped out the disease, at all events temporarily, and left the ground clear for the more permanent cures of social reformers. The scuttler of the eighties finds a more wholesome outlet for his energy to-day in the boxing competitions at the lads' club or in the battalions of the Boy Scouts. On all occasions where West had to deal with questions having a moral and social as well as a legal aspect, his judgments were always healthy in tone and liberal and enlightened in policy. I remember well in a prize-fighting prosecution how clearly and wisely he drew the distinction, difficult to define in legal language, but easily understood in the common-sense light he threw upon it, between boxing as a wholesome and desirable sport or pastime, and prize fighting as a brutal and degrading spectacle or entertainment.

In all affairs that came before him he expressed the views of a moderate, sensible English gentleman who brought sound instincts of right and wrong to bear upon his interpretations of the law. Those who knew him personally will long remember the charm of his somewhat old-world courtesy, and recall with pleasure the wealth of his reminiscences and anecdotes of early Victorian years. And now he is gone we may openly remember his charitable deeds. Harsh and stern as he was generally accounted, some of us could have told of cases where he had personally assisted the relatives of those whom in the

course of his duty he had been obliged to sentence to imprisonment. But had one written of these things in his lifetime, one would have forfeited his friendship, so careful was he to hide his good works before men and to leave his left hand in ignorance of the doings of the right. To those who knew the man as well as the judge, he will always remain an example of the aristocrat at his best.

The quarter sessions of the county, holden at Preston and at Salford, were, when I first went to Manchester, very thriving and busy institutions. They were both presided over by William Housman Higgin, Q.C., a Lancashire worthy of an old-fashioned type. He took great pride in the orderly administration of justice at his sessions, and conceived the Lancashire county justices to be ideal managers of county affairs. It was, indeed, generally admitted by the enemies of the system that Lancashire gained very little from the practical point of view by the institution of a county council, so excellently had the magistrates done their work. It grieved Higgin as years went on to see the new borough sessions of Oldham, Salford, Blackburn, and Burnley carved out of his district and diminishing the prestige of his most ancient jurisdiction, and he argued from a public point of view that as the leaders of the junior bar could not attend at these minor sessions, the work would never be done with its old efficiency. Be this as it may, it is certain that there is to-day no school of advocacy comparable to Higgin's quarter sessions when they were led by

Shee, Falkner Blair, and Charlie McKeand in the criminal cases, and Sutton, Bradbury, and Yates in the rating and licensing appeals.

Higgin wore a beard, and his movements were greatly impeded by gout. There was, perhaps, no great outward appearance of dignity in his presence, but, sitting in court when he was on the bench, I always felt that I could realise the phrase "the majesty of the law." Everything, however trivial, was conducted in the grand manner, and if Higgin was not without humour outside the court, within its walls he did not allow this to escape even by the twinkle of an eye.

I remember at Preston a little juryman of a fussy nature claiming to affirm instead of taking an oath. The matter was referred to Higgin, who bowed gravely and said, "By all means, let the gentleman affirm."

This did not satisfy the little juror, who, with impudent insistence, called out in a shrill voice, "But I claim a right to affirm. I claim it as of right."

"Oh!" said Higgin, suavely, looking down on the unfortunate little man as a dignified cat might look at a mouse. "Oh! you claim it as of right. And on what ground, may I ask?"

The little juror flushed with pleasure. Higgin was giving him the opportunity he had been looking for.

"Because I am an atheist," he blurted out: "I do not believe in a God."

Higgin gave him a withering look and waved him out of the box with his gouty hand, and another juror was chosen and sworn. Even then, outraged as Higgin's feelings were, I think nothing would have happened, but the pertinacious juror jumped up and said, " I suppose I may go."

This was too much for Higgin's patience, and with all the solemnity at his command Higgin delivered the following sentence: " No, sir, you may not go. You are summoned here as a citizen to take part in these proceedings as a juror. If I am to believe your word—and, unfortunately, I see no reason to doubt it—the oath that has been offered to you would not be binding on your conscience, and there is no law enabling you to qualify yourself for your duties. At the same time, you have been rightly summoned here, and it is your duty to be present from the sitting of the court at nine-thirty until the court rises for the day. Go into yonder gallery," continued Higgin, pointing up to a solitary gallery opposite the bench, " and continue there, under pain of fine and imprisonment, until the sessions are concluded, from which place it will be your privilege to watch the proceedings of twelve honest Englishmen who do believe in God."

I think at the end of the harangue, so impressively did Higgin deliver it, that the juror expected to hear that he was " to be hanged by the neck until he was dead." He slunk away to his lonely gallery, and Higgin never failed to make him a special bow of recognition every time he entered the court.

The sentences given by Higgin seemed to me terrible and almost brutal, but, as a matter of fact, the class of criminal dealt with is a very difficult proposition. Parliament provides no other way of keeping him out of mischief than penal servitude. If he is constantly in and out of prison he is a source of anxiety and wretchedness to his family and a dangerous nuisance to the public. Higgin's view was that when a man insisted on living by theft, society ought to keep him out of mischief, and, though it is a rough and perhaps cruel method of doing it, the sentimentalist would probably be better employed in instituting some kinder form of asylum for the hopeless cases than in vainly clamouring for their release from prison. There is at least as much to be said for the judge who put the Dartmoor shepherd in prison as for the statesman who let him out.

Higgin had a very considerable practice in arbitrations, both as counsel and umpire or referee. He was popularly said to have killed the arbitration system in Lancashire by the length of the arbitrations and the height of his fees.

Certainly the old days of fat arbitrations, with short hours and long lunches, did not survive into my time, though I was engaged in one or two important arbitrations which I thought were fought out with businesslike dispatch. Indeed, I think a good arbitration is the very best tribunal for a business dispute, always assuming that it is the interest of everyone connected with it to get it done at reasonable speed.

In Higgin's day, alas! it was otherwise. I remember a good story Gully once told me of a Manchester arbitration. Two business men, brothers and partners, had very serious disputes, and agreed to dissolve partnership. Under their deeds of partnership the dispute had to go to arbitration. Arbitrators were chosen on each side and Higgin was appointed umpire. The tribunal sat at the Mitre, a favourite home of Higgin, and on the first day of the case Gully appeared for the defendant and Leresche—afterwards County Stipendiary—for the plaintiff. Neither brother had spoken to the other for many weeks, and the whole dispute was rather a painful one. About 11 o'clock Higgin arrived, and having greeted everyone with friendly but dilatory courtesy, opened a few letters which his clerk had brought, and replied to them after obtaining leave of counsel to do so.

Mine host then brought in the menu, and general consultation as to lunch took place. The hour was fixed at 1.30, the hot-pot ordered, and the brand of wine decided upon. The two brothers glared at each other during these strange proceedings with the uneasy feeling that this was to be a funeral feast and they were the corpse. To their rough Lancashire minds it had somewhat that appearance. And now it was nearing 12, and Leresche proceeded to open the case. Leresche was not a man of few words at any time, and his methods of obtaining full value out of an arbitration were expensive and peculiar. He started off by reading some

Scots deeds. They were deeds, he said, referred to in the partnership deed, and were deeds of trust and settlements and wills showing for some generations where the partnership moneys had come from. Gully protested that these were not relevant, but Higgin gravely shook his head and said he never interfered with counsel in his opening, and away sped Leresche through a bewildering maze of incomprehensible Scots law, continuing each deed to the end of its jargon, and then folding it up and placing it reverently in the middle of the table in front of Higgin. There was a leisurely and social lunch, all enjoying themselves except the two brothers, who sat silent in sulky gloom. Leresche, duly refreshed, went at the deeds again until about half-past three, when he suggested an adjournment.

"For now," he said, putting his hand on the goodly pile before him, "I have read every deed, and, subject to what you may say, sir, and what my friend, Mr. Gully, may have to say, I really cannot, for my part, see why it should be necessary during the course of the arbitration to refer to these deeds again."

"I cannot see how it would assist us," said Higgin, gravely, "unless Mr. Gully——"

Gully assured him he never wanted to see or hear of the deeds again.

"Very well, then, Mr. Leresche, about to-morrow? Eleven o'clock?"

"Yes, sir," replied Leresche, "and then I hope to begin to open the business part of my case."

"By all means," said Higgin, "eleven o'clock, gentlemen."

As the two brothers were going downstairs the elder tapped the junior on the shoulder.

"Come and have a whisky with me, Donald."

"I will, Ronald."

"I tell you what it is, Donald. We're being had on a bit here."

"I'm thinking the same, Ronald."

They retired into the snug bar, and spent a friendly hour together. The next morning at eleven all met except Ronald and Donald. Their solicitors with blank faces produced letters from their clients that the litigation was over, and would they each send in their bills.

"Ah!" said Higgin, smiling pleasantly at the disconsolate Leresche. "To hear you read those Scots deeds would take the fight out of the most litigious. I ought to have stopped you. But, never mind, we have one consolation. Blessed are the peacemakers."

And though both West the aristocrat and the Whig and Higgin the stern, unbending Tory were both sound judges, kind-hearted men and honest, upright, conscientious administrators of the law, yet it is easy to see that their usefulness was limited by their education and environment, and that it would be untruthful to deny that in all human beings—in judges no less than in smaller men—there is a class bias drawing their minds to certain conclusions and points of view. And no one can

certainly blame those whose bringing up has been less fortunate and whose University has been the factory or the pit, from recognising very clearly that the judicial mind does not readily coincide with the views and thoughts and aspirations of their own class. And this must remain so as long as the official places in the law are the appanage of the upper and middle classes.

I have often wondered why more of the clever younger men of the working class do not grapple with the study of the law. A few years ago I addressed a labour audience in Manchester on this subject and listened to an interesting first-hand discussion of the matter. Although not expressed in so many words, I think there was an idea at the back of many speakers' minds that an individual selected to be educated and equipped for the profession would in the end break away from service to his order and seek to make good a great individual career. But I am not sure that this would of necessity be the case. I cannot imagine, for instance, that Charles Bradlaugh if he had been at the Bar would have utilised his sound and ingenious legal mind merely in the making of money. And the experiment should certainly be tried in the interests of the whole community, for the Labour Party will never be able to express its thoughts articulately and clearly until it has its own Attorney-General who can advise its Cabinet on

the legal aspects of the measures they have to consider.

And one reason why I should not like to see the ancient lay office of Justice of the Peace abolished is because there and there alone men of the working class are brought on to the bench as actual ministers of the law. No doubt as time goes on and education advances we shall find the circle widening out. There should be far more working men sitting on juries, and paid for their services, there should be more representatives of all branches of trades and industries sitting on the bench and taking part in quarter sessions, and the amalgamation of both branches of the profession would, I feel sure, lead to less class origin in judicial appointments.

But looking at the administration of the law in this country in comparison with others, I cannot but think that the court of quarter sessions—especially the larger county sessions, where the lay element is strongly represented upon the bench—is a court wherein an innocent man desiring an honest verdict may take his trial with a real sense of security. And though no sane and reasonable citizen doubts the honest administration of the law in our country, yet perhaps words have fallen of late years from the lips of those in high places not unnaturally misunderstood in the lower places where they fell. For there are judges who make little effort to put themselves in the place of the poor folk whose affairs they are dealing with, and forget

to obey the fifth law of Nature according to the statute of Thomas Hobbes of Malmesbury. And "the fifth law of Nature is Compleasance; that is to say, that every man strive to accommodate himself to the rest." Or as St. Paul wrote to the Galatians—but you remember that.

CHAPTER VII

THE SENTENCE OF DEATH

The more attention one gives to the punishment of death, the more he will be inclined to adopt the opinion of Beccaria—that it might be disused.

JEREMY BENTHAM: "Theory of Legislation."

I HAVE long gone about with a conviction that Sir Henry Wotton was right when he said that "hanging was the worst use man could be put to." Not that I think he ever thrashed out the pros and cons of the matter in his mind, but being, as Dr. Ward says, a man of noble purposes and high thoughts, whose qualities united into "the amalgam of a true English gentleman," he knew instinctively that the thing was repellent to his nature, and therefore it followed that it was economically unsound and morally wrong. Being a courtier, he pretended that the sentiment was that of the Duke of Buckingham, and being a man of humour he invested his Grace's thought in an epigram. And for my part, though the judgment is some three hundred years old it is the last word on the subject. Dr. Johnson, who, whatever greater qualities he possessed, was not a gentleman—or to be more accurate, perhaps, was on occasion "no gentleman"—was wont to express

himself wittily on the subject of hanging, for, as he said, "Depend upon it, Sir, when a man knows he is to be hanged in a fortnight it concentrates his mind wonderfully." In like manner, in the true conservative spirit, he inveighed against the abolition of the good old days of Tyburn. "The age is running mad after innovation; all the business of the world is to be done in a new way; Tyburn itself is not safe from the fury of innovation. No, Sir, (said he eagerly,) it is *not* an improvement: they object that the old method drew together a number of spectators. Sir, executions are intended to draw spectators. If they do not draw spectators they don't answer their purpose. The old method was most satisfactory to all parties; the publick was gratified by a procession; the criminal was supported by it. Why is all this to be swept away?"

Of course the old fellow was only pulling young Boswell's leg. These were not his real opinions at all. Thanks to Dr. Birkbeck Hill, one can always study the varying philosophy of Dr. Johnson with his pen in his hand, and Dr. Johnson with his tongue in his cheek.

Johnson, the man of letters, "the strong and noble man" in an essay in the *Rambler*, gives us his real, earnest, sincere thoughts on the sentence of death. "It may be observed that all but murderers have, at their last hour, the common sensations of mankind pleading in their favour. They who would rejoice at the correction of a thief are shocked at the thought of destroying him. His crime shrinks to nothing

compared with his misery, and severity defeats itself by exciting pity."

In that last phrase it seems to me that the great man puts his finger upon the real objections to the death sentence from the public point of view. The pity that should be bestowed upon the victim is poured out in muddy sentimentalism at the foot of the scaffold. The sentence of death, " of dreadful things the most dreadful," surrounds its victim with a halo in the morbid, popular mind that blacks out the sense of the crime and cruelty for which the murderer is to be punished.

It is curious how little interest is taken in the subject of the death sentence to-day. On many a question of sociology the best that has yet been said has been said many generations ago. When Cesare Bonesana Marchese di Beccaria published his " Dei Delitti e delle Pene " in 1764 the world was thirsting to read what was to be said scientifically about crime and punishment, and the book actually caused the abolition of many death sentences in several European countries. For a book to cause any reform whatever sounds to-day like a miracle.

And, indeed, it almost seems as though since the eighteenth century the penduluun has swung back again towards the Old Testament view of things. In this matter of capital punishment the modern authorities are more disciples of Moses than of the Apostles. They cry out, " Eye for eye, burning for burning, wound for wound, stripe for

stripe;" yet the student of Asiatic folk-lore might well remember that Cain was not sentenced to death, but, on the contrary, was purposely protected from execution.

That the death sentence is a deterrent is commonly said, yet the evidence seems to me unconvincing. The fear of death is a weakness; but, in fact, death is not a subject widely thought of. A murderer no more contemplates death on the scaffold than he thinks of any other form of death. As to the disgrace of such an end, that is more than compensated for by the opportunity of bravery and display so dear to criminal conceit. No sooner is a man condemned to death than the whole attitude of the official mind changes towards him. He is treated with exceptional humanity. His gaoler becomes full of charity towards him. The clergyman assures him of divine forgiveness. He dies in the odour of sanctity, with pious sentiments upon his lips. Time is not perhaps necessary to repentance, but surely as a test of repentance, time is of the essence.

That there is a real human sentiment against hanging comes out, I think, in the odium and horror with which the actual hangman is regarded. Mr. Marwood, of Horncastle—from whom as a boy I used to buy shoe laces, which were regarded with religious awe by my class mates—felt this very deeply. He was an amiable, kindly man, as I remember. Indeed, why there should be any special prejudice against a hangman if his office is so necessary and worthy, it is hard to understand. The race is a tender-hearted

one, if records may be believed. Mr. James Berry to whom Mr. Marwood handed over his rope and pinions, tells us in that naïve and excellent autobiography of his " Experiences of an Executioner," that before his first execution, when his dinner arrived consisting of " rice pudding, black currants, chicken, vegetables, potatoes, bread and the usual teetotal beverages, I tried to make the best of it, but all that I could do was to look at it, as my appetite was gone." Is not that even more convincing than all the philosophy of Beccaria ? The prisoner eats a good breakfast, the hangman starves, the prisoner in the dock is calm and reasonable, the judge breaks down and weeps. What mean these portents ?

Some day it will dawn on rulers that it is not a wise example to the mind of murderous tendency to deliberately do the very thing which the State professes to regard with feelings of grief and indignation. When a low-class ruffian runs amuck, shouting " I'll swing for you ! " and murders his victim, he is proving the corollary of the Mosaic proposition. If the law is to be a life for a life, it is fair for him to take a life when he is ready to give his own in exchange. It is rough, brutal logic, but not wholly fallacious.

And what will bring governments to a really grave consideration of the subject is the increasing difficulty in obtaining a conviction for murder, and the still greater difficulty in carrying out the sentence afterwards. In the Habron case the sentimental public was right and officialdom wrong, and the

former saved a life. Since then the sentimentalists back their opinion against officialdom on every sentence that is pronounced. Scarcely any murderer outrages the public mind so greatly but petitions are widely signed by the hysterical against the fulfilment of the law. True we have abolished Tyburn and the bellman of St. Sepulchre's, and the apples and ginger-bread and the fighting and bawling and gin drinking. No longer does Lord Tom Noddy invite his friends to supper at the Magpie and Stump " to see a man swing at the end of a string " in the morning sunrise. But have we not something of the same degradation in the highly spiced, detailed accounts of every moment of a murderer's life from the day of the crime, through the excitement of the chase, up to the dramatic capture, and then along the close verbatim of the evidence until we reach the grand *dénouement* of the sentence of death. Some there are still faithful to eighteenth-century tradition, huddling in the cold streets round the gaol gates to watch the gaoler put up a notice of the end, for the old black flag dear to this little band of stalwarts has been hauled down, alas! for the last time. Of all the blessings of the Education Acts none is taken greater advantage of, I should say, than the privilege of reading the diligent and accurate reports of murder trials in the Press of to-day. Personally, I prefer the ballads and broadsides and last dying speeches and confessions of the older race of criminals, but some of the picturesque articles of the imaginative—or, as he prefers to be called, descriptive—reporter of the more

saffron-coloured Press have the true eighteenth-century brush-mark, and I confess that they give me a momentary second-hand thrill of horror quite acceptable to my coarser nature. I do not wish to do these excellent writers any injury, but I am steadily hardening in the opinion that they are the only persons in the community who derive any benefit whatever from the death sentence, and we must really run the risk of injuring their livelihood.

Personally, I never sat through murder trials unless I had a business interest in them, nor to me are they—merely as trials—of greater interest than many other trials. But the overhanging sentence of death gives them a colour that stamps them very vividly in the memory.

What a curious drab, unentertaining drama was that of Mrs. Britland, but for the sentence of death at the fall of the curtain.

Yet perhaps if Dumas had had the handling of this chapter he would have spun you a wonderful and mysterious story out of the web of it. Though I doubt after all if he would have deigned to write about such a humble practitioner in the art of poisoning. He must have his most noble Marquise de Brinvilliers and her elegant accomplice, Sainte Croix, before he can transpose squalid crime into profitable romance.

Mary Ann Britland is a figure in Manchester history as being the only woman ever hanged for murder in Strangeways Gaol. For myself, I think that nothing could have saved her from the ultimate

penalty of the law, though I recognise that there are distinctions even among evildoers, and that there was sense in the " bull " of the Irish barrister when he was asked his opinion about the Maybrick case, and said : " After all, you can't expect an English Home Secretary to hang a lady he might meet out at dinner afterwards." The trial was interesting to me as being the first murder trial I had ever sat through, and the closing scenes of it, horrible as they were, impressed me very strongly with the inadvisability of a Crown Court sitting late into the night on the trial of prisoners, and went far to convince me that capital punishment enshrined the wickedest criminal in a veil of mystery behind which the crime itself and its victims were too often lost sight of.

Mary Ann Britland was a factory operative about thirty-nine years old, living with her husband and daughter in Turner Lane, Ashton. On March 9, 1886, her daughter died very suddenly. On May 3 her husband died equally suddenly. She then went to live with some neighbours named Mr. and Mrs. Dixon. She and Mr. Dixon had been on very friendly terms, and the evidence showed that Mary Dixon, her friend's wife, invited her to her house out of compassion. On May 14 Mary Dixon died very suddenly. Upon this the Ashton police began to bestir themselves. A post-mortem was held on Mary Dixon, revealing the fact that she died of strychnine poisoning. Mrs. Britland was arrested. The bodies of her daughter and husband were exhumed, and the evidence showed that they, too,

had died of strychnine poisoning. Thomas Dixon was now arrested, and an inquiry begun before the magistrates. Falkner Blair defended the woman, and Byrne appeared for Dixon. There was little or no evidence against the latter, and an eloquent speech by Byrne secured his discharge before the magistrates. Although no doubt he was innocent, it was to this piece of advocacy he probably owed his life, as unless a judge on the trial had withdrawn his case from the jury on the ground that there was no evidence against him it is almost certain he would have been convicted, so hopeless is the position of a man whose only apology is that the woman tempted him and he fell, when he comes before a tribunal of twelve fellow-sinners. Dixon's only chance would have been a jury of women.

The trial came before Mr. Justice Cave in July of the same year. Addison, Q.C., and Woodard prosecuted, and Blair and Byrne defended. I had made a précis of the case for Blair at his request, and I took a note for them during the trial. The case lasted two days, and at the end of the second day Blair addressed the jury. The evidence was overwhelming. The three deceased persons had been poisoned by strychnine. Mrs. Britland had purchased " mouse powder " in sufficient quantities to kill them all, and there was no evidence of any mice on whom it could have been legitimately used. The case of the poisoning of Mrs. Dixon was the one actually tried, but the deaths of the others

were proved to show " system " and rebut the defence of accident. Even if there had not been sufficient evidence to secure a conviction, Mrs. Britland had had many indiscreet conversations about " mouse powder " and poisoning, and had been anxious to discover whether such poisoning could be traced after death. Blair's task seemed hopeless enough. but he made an eloquent and cunning address to the jury.

It was one of those cases where anything like reasoned argument would have been useless. The only chance for the advocate who loved his art as Blair did was to endeavour to instil doubt into the receptive minds of the jury, that by good hap the prisoner should gain the benefit of it. This he did with great skill, touching lightly upon the possibilities of accident or of poisoning by some other hands, or even of self-administration. And in those days when the guilty one was safe in the dock and could give no evidence, there was greater scope for the art of advocacy—for is it not an art, as Master Izaak tells us, to " deceive a trout with an artificial fly ? " And Blair was a great artist at the raising of haunting doubts, which followed the jury when they retired to their inner room, so that he almost seemed to be the thirteenth man on the jury, he and his doubts remained so present to their anxious minds. And I remember no advocate who could handle a hopeless case more cleverly within the honest rules of the game, unless it be Sir Edward Clarke himself. The result was extraordinary.

Mr. Justice Cave summed up in a businesslike and sensible style, expecting a conviction in a few minutes, and at twenty minutes to six the jury retired. The judge waited some little time, but, as they did not return, he went across to his lodgings, then in the same building, and we went upstairs to the Bar mess. At a quarter to eight they returned. The wretched prisoner was put up in the dock. The foreman explained that they were not agreed. They handed a paper to the judge, who told them to retire and consider the matter further.

Blair left the building and Byrne remained to see what happened. It was well after 10 o'clock at night before they returned into court. I suppose the clerk of assize knew that they had not agreed upon their verdict, and for humane reasons did not send for the prisoner. Then began a conversation between the judge and the foreman. The judge told the jury that he must direct that they be taken to the hotel for the night, and then said, " Is there any legal difficulty in which I can assist you ? "

" Only the paper I gave you, my lord."

" Yes, but is there any legal difficulty in your way ? "

To which the foreman replied, " Nothing, only that you have there."

Upon which the judge again told them he must direct them to be taken to the hotel.

There was a pause. No one had any doubt what the trouble of the jury was. They wanted in their

wrong-headed way to acquit Mrs. Britland because they could not convict Mr. Dixon.

Cave thought for a moment, and then turning to the jury made a short summing-up, tearing up any shreds of evidence there might have been against Dixon, and putting the case against Mrs. Britland in true and convincing colours, winding up by saying, "And now, gentlemen, you had better go and consider it, and to-morrow morning I will hear what you have to say."

The jury held a brief consultation and begged a quarter of an hour in which to escape the threatened hotel. The judge granted this, and again the jury retired.

I am far from saying that modern judges permit wretches to hang that jurymen may dine, or that they are actuated by any but business motives in sitting late hours, but I have my doubts whether justice is as well administered in the late hours of the night as in more normal business hours, and it is at least noticeable how this takes place more in the provinces, where the judges live in lodgings, than in London, where their lordships are in reach of their clubs and their homes. I do not think the jury in the Britland case would have agreed but for the threat of the hotel made to them at 10 o'clock at night, but it was certainly in mercy to the wretched woman in the dock that the affair was ended, for there were two other indictments for murder hanging over her head.

I said the woman in the dock, but the late hours

were, I fear, responsible for a very curious blunder in procedure.

Whilst Mr. Justice Cave was giving his last instructions to the jury, of which Byrne and I took notes, I added to my note, "During this direction of the judge the prisoner was absent." I called Byrne's attention to this fact, and he decided to make a note of it and say nothing.

Blair afterwards considered that if he moved for a writ of error the fact of the prisoner's absence might be held to invalidate the verdict, so jealously is the right of a prisoner to be present during his trial guarded by the English law.

Nothing was done in the matter because of the two further indictments. Still, had the trial been concluded in normal working hours, such a blunder would not have been made by judge or clerk of assize.

And now the jury return and answer to their names. The gaslights flare up. Doors swing backwards and forwards as counsel and officials come hurrying into court. From behind the javelin men crowds press eagerly forward at the back of the court, and tired faces peer through the darkness of the gallery, whence you hear murmurs and sighs of relief that at last the moment waited for is at hand. The wretched woman, tottering to the front of the dock, is the colour of the parchment upon which her crime is indicted. She is asked why sentence should not be pronounced. She clings to the rails and begins slowly and firmly, "I am

quite innocent. I am not guilty at all," and then breaks into piteous sobs and tears, and the female warder holds her in position as if she were being photographed. The judge's clerk, who is stifling a yawn, has placed the black cap on his master's wig. The judge in his nasal, solemn tones gets to the sentence in as few personal words as may be. The woman shrieks out " I never administered anything at all to Mary Dixon ! Nothing whatever ! " And when the judge reaches in resolute, mournful syllables the formal death sentence, the human voice that utters it seems to toll like a harsh metal bell hopelessly and inevitably beating out the last official message of the law : " And that is that you be taken from here to the prison from whence you came, that from thence you be taken to a place of execution, and that there you be hanged by the neck until you be dead, and that your body be buried within the precincts of the prison——" But the final prayer that the Lord may have mercy on her soul is lost in the wild, terror-stricken cries of the woman for mercy as they unfasten her fingers from the rails and carry her down the stairs towards the gaol, and her shrieks and sobs come echoing out of the stone passages below into the darkening court from which her fellow-creatures are slinking away in horror.

The only other murder case in which I was engaged, and in which the sentence of death was passed, was in 1889—a case in which I prosecuted as junior to Falkner Blair—and the facts remain vividly in my memory.

Reg. *v.* Dukes, or the Bury murder, as it was called, attracted widespread interest. Dukes was manager of one of a series of furniture shops belonging to the Gordon Furnishing Company, the central shop of which was in Strangeways, Manchester. The business was owned by an old man named Gordon, who had two sons, Meyer and George. The family were Jews. George Gordon visited the Bury shop every Tuesday. There seems no doubt that Dukes had been stealing the takings, and for a month before the murder he kept on sending to Manchester bogus letters and telegrams about business with the intention of keeping George Gordon away from Bury. For three or four Tuesdays he had not made his usual visit, and when he did come on the morning of Tuesday, September 24, Dukes was not there, but, as we learned afterwards, was lying hid and drinking in a neighbouring public-house. Gordon examined the books and waited for Dukes, and then returned to Manchester.

There he seemed to have consulted with his father, and returned to Bury. Meanwhile, Dukes had followed George Gordon to Manchester, called at the central shop, and made a statement that he had been in Manchester on business all day, that he was returning to Bury, and would take a message from the father, which he did. At Bury he now met George Gordon. The shopboy was sent off by Dukes with some furniture to an address that proved to be an empty house. When he left with the cart about 2.30, Gordon and Dukes were alone in the shop

together. He heard them talking as he drove away. Within a few minutes Dukes had killed Gordon with a hammer, striking him on the back of his head.

I remember going with Blair and the police to the scene of the murder. It was a little mean shop in a main thoroughfare, about a hundred yards from the Bolton Street Station. It was a building of two stories and a cellar, and if the under floor of the cellar had not been cement the murder might not have been discovered for many years. For we saw the chips in the edge of the flags, where Dukes had removed one for experimental burial purposes.

The first thing Dukes did to cover up his tracks was to send a telegram to the elder Gordon as from George to say he had gone to Liverpool and would not be back that night. The next day old Gordon consulted the Manchester police, and the Bury police were communicated with, but nothing was known against Dukes, and the official view laughingly communicated to the old man was that he would see his son again when his money was spent and he was tired of Liverpool. As far as we could reconstruct his story from the evidence before us, Dukes, having bought a pick and failed to dig a grave with it, wasted a whole day without any further move. Then he hit on the idea of putting the body into a wardrobe which he was going to cart over the hills to Rochdale, intending probably to throw the body out behind some stone wall on the moors to the north or dispose of it in some solitary place. For this purpose on Thursday afternoon, two days after the murder,

he had hired a cart which was waiting at the door.

Wednesday, September 25, was the New Year in the Jewish calendar, when it is the custom of Jewish families to gather together in the synagogue. "Let us wait until the night of Wednesday," said George Gordon's father, "and if George is alive he will be with us, and if he be not here, then we shall know he is dead."

On Thursday morning there was no news of George. The old man and his son Meyer went to the Manchester police, and were referred to Bury. At Bury they insisted that George was dead, and the old man expressed his belief that his body was in the shop in Central Street.

The police, more to pacify the distressed father than from any belief in his fears, agreed to make a search of the house, and thus it was that as the cart stood outside waiting to load up the wardrobe which Dukes was taking away, Sergeant Ross and two constables with old Gordon and Meyer entered the shop.

A thorough search was made, and the police for the first time noticed signs of recent disturbances in the cellar. Whilst the search was going on Dukes made an exit down a side entry, and was brought back by the police. Sergeant Ross began to take a deeper interest in him. Nothing more serious, however, was found, and they all stood in the little shop around the wardrobe. It looked as if the business of the police was over.

" What is this wardrobe lying here for ? " asked old Gordon.

" It's going out to Rochdale ; the cart is waiting outside for it now," replied Dukes.

" Open it," demanded the old man.

" I cannot. A lady bought it. She packed some things in it, and locked it and took the key."

" Then burst it open. It's mine. Burst it open."

There seemed no doubt what the old man expected to see. A police officer prized the door. It flew readily upward, disclosing its horrid, huddled contents. Meyer flew at Dukes's throat, crying, " You have murdered my brother ! " But the police pulled him off, and saved Dukes for the law.

Early in December the case was heard, and we pieced together by a large number of witnesses the story of the murder. The prisoner made a statement to the effect that he had been attacked by Gordon and killed him in self-defence. It was a lame effort, and even Cottingham's eloquence could not endow it with probability. It was a callous and brutal murder, almost excusing the brutal comment which I heard as I passed through the crowded hall where the result was being discussed.

" Well, 'e won't get any Christmas dinner, chuse 'ow."

Dukes was hanged at Strangeways Gaol on Christmas Eve.

I agree that there was little pity shown for Dukes, who was a sodden, heartless creature, and a criminal of the most degraded type. But the interest in the

trial swept away any sympathy or thought for the victim and the unfortunate relatives who had been plunged into sorrow by the act of the criminal.

Just as I have no doubt that the sentence of death for theft and other offences, well and reasonably and sensibly defended by the more cautious property-owning minds of the eighteenth century, was ultimately abolished in deference to the sentiments of the weaker-minded of the community and the real necessities of society that they understood better than their opponents, so I have no doubt the sentence of death will pass away from our administration of the law altogether before many years are past. I do not suggest the question is a very burning one from the point of view of criminal law, but from the point of view of education and the evolution of right action and conduct in the community, it seems to me to be of importance. I am certainly far from believing that anything I may say or write will hasten matters, nor, indeed, is there any hurry about the affair. It is only some three hundred years since that good Christian gentleman, Sir Henry Wotton, laid down the principle that the hanging of men was an uncitizen-like act. True, the principle has long been accepted by the majority, but we are a cautious and conservative race. I have long ago ceased expecting to see reforms come about in my own day. I hear the statesman calling upon me to " Wait and see ! " and although I shall certainly wait as long as I can, I shall not worry if it is not my lot to see. I

have very clear visions from my own little mountain of the promised land that my great-grandchildren and their youngsters will live in. It will be as far removed from us as we are from the days of Sir Henry Wotton, but what was good common-sense in his day will be good common-sense in theirs, as it is in ours, and ever shall be, world without end.

CHAPTER VIII

JUDGES OF YESTERDAY

"You did, sir," replied the judge with a severe frown. "How could I have got Daniel on my notes unless you told me so, sir?"

DICKENS: "The Posthumous Papers of the Pickwick Club."

PETER considered those bad bold ones who spoke evil of dignities were merely "presumptuous," but I am on the side of Jude, who roundly assessed them to be "filthy dreamers." Happily, to an Englishman, evil speaking of judges is impossible. Indeed, the English attitude of mind towards the Bench, if one can conceive the English mind capable of finding itself in an incorrect attitude, has a tendency towards idolatry. The infallibility of the Pope we smile at as a superstition, but the infallibility of the Court of Appeal is an article of faith upon which we issue execution, unless, of course, it is surpassed and overruled by the more infallible infallibility of the House of Lords. Only the will of the people and the great inquest of the nation can alter a decision of the House of Lords, unless there happens to be a Government in office with a will of its own and the capacity to act upon it—and you never know what may occur some day. And really we so love and worship our judges that when we tell stories of

their quaint humours we do so much as a good Italian Catholic will scold his patron saint or tell some anecdote of the holy ones more lively than respectful. For we know that judges are only human, and we have seen many grow froward from age, their faculties become dim, their qualities rust, until at length they lose the one essential attribute of judicality, they are no longer able to suffer fools gladly, and the public and the Bar become uneasy of their continuance. And, on the other hand, what patience and loving-kindness are shown by the advocate towards the judge. No hours are too long, no time is misspent in preventing him from error, or leading him thereto, as the case may be. I love to hear that phrase trundled out with unblushing sycophancy, " Your lordship will remember the case of Crocks and the Wapping Corporation, in fourteen ' Meeson and Welsby.' " Every one in court —except perhaps some loafer in the gallery—knows that his lordship never heard of the case before, and if he had would have forgotten it. Indeed, the learned Counsel himself only had it shoved into his hand an hour ago by little Smithson, who devils for him, and it was I who met the disconsolate little man in the Middle Temple Library and told him—but that is outside the frame of the picture. You have the whole subject-matter set out in one phrase " Contempt of Court." This is a feeling that must be closeted strictly within the heart—otherwise seven days.

I remember an irate Scotch draper saying quite

seriously to me at the end of a case, "I have an utter contempt for this court."

"My good man," I said thankfully, "you have saved me from a most painful duty. Had you expressed a mere contempt of court I must have sent you to Knutsford Gaol, but an utter contempt seems to me to save you. But do not say it again, I may be wrong. Go outside as quickly as you can."

He disappeared. Had I been a Plowden I should have added "and utter contempt there." But I only thought of that going home in the tram.

And when I think of the judges of yesterday I think first of all of the great and honest services they rendered to the State, and then I recall them through some quaint story, or maybe some trick of speech or manner, just as you may remember a great cathedral both as a mighty and noble building and as the edifice from which sprang some grotesque gargoyle whose humours have always haunted you when the name of the building was sounded.

Of the many judges that came the Northern Circuit during my short career at the Bar some few are still, I am glad to say, judges of to-day, and several have but recently passed away. And the figure that is perhaps in the foreground of my memory is that of Mr. Justice Grantham, who, less than a year ago, vigorous and popular as ever, celebrated his silver anniversary on the circuit. I was present at the banquet given to him by the circuit, and as he stood before us, four-square to the

winds of criticism and popular—or perhaps I should say unpopular—disapproval, what human sympathy and enthusiasm rang out in our cheers. We knew him only as a hard-working, conscientious judge, as a clean, honest man, and as that *rara avis*, a south country man who understood and admired the bracing atmosphere of the north. He told us how, when he was junior judge and the circuits were chosen, that every circuit was taken by his seniors except that containing Manchester and Liverpool, for which he had to start out with the condolences of his brethren. Now when he was senior judge he had the first choice, and despite his years he came back to Liverpool and Manchester because he liked the straight, manly business methods in which the work of the Northern Circuit is done. And what he said was no mere after-dinner compliment, it was as honest and true as the cheers of those who welcomed him back. I have seen Grantham at his very worst sitting on the bench, trying a political libel action; I have seen Grantham at his very best standing in an old Sussex wagon and judging a Bar point-to-point steeple-chase, and I have seen him presiding as judge in many different cases with varying success, but I have never seen him do anything but what he believed to be the only straight, honest thing to do. That is why he was so exasperating and lovable. He not only had strong, simple English ideals, but he acted up to them in open daylight. Any man of his ability and without his sincerity could have steered a safer and easier course. Grantham could

only steer the straight course—once his course was set, he followed it with dogged fidelity. Small wonder, therefore, that sometimes he ran on the rocks. But when he did he bore no malice to the rocks—indeed, so optimistic and full of good humour was he that he scarcely knew that there had been a collision.

A little while ago Grantham made a speech to the Liverpool grand jury which attracted much attention. A few days afterwards I was present at the banquet given to the judges at the Town Hall, and the Lord Mayor of Liverpool called upon me to propose the toast of the grand jury. There were no reporters at these festivities, so it was not inconvenient to make some humorous remarks at the learned judge's expense—if one dared. I recall the shudder of aldermanic apprehension when I started, and its quick change to purple laughter when it was seen that Grantham was thoroughly enjoying it all. I remember as we left the banqueting hall his friendly pat on the shoulder and his kindly laugh as he said, "Very good fun, Parry! Just like old times! But I was quite right, wasn't I?" And there you had the man at his best. There was no meanness or littleness about him. He was honest, simple, outspoken, cocksure, keen to do right and English to the backbone. There was no policy or finesse in anything that he did, and he was out for work and business. That is why he was so welcome and beloved on the Northern Circuit.

But his slackness in finesse often cost him tricks

in the Court of Appeal. Here is an example of what I mean.

I appeared for a small carpenter whose shop had been injured by the pulling down of adjoining buildings to clear the site of a new infirmary. The defendants were trustees of the institution. The claim was £175 11s. 2d.—or some such figures—and I got a verdict for every pound, shilling, and penny, in spite of Gully's eloquence.

Grantham started his summing-up as follows—I quote, of course, from memory :—

" Gentlemen of the jury, if you are as heartily glad as I am that this is the last case at the Manchester Assizes, and that, after this, we shall be able to get away into pleasanter surroundings, you will not be long in doing substantial justice to the plaintiff."

I shall never forget how strange the words sounded in the cold, grey light of the Court of Appeal, and how Lord Esher roared out an encore to Gully when he read them to the Court. We did not keep that verdict. Smyly, Q.C., led me, and Esher, in one of his wild humours, romped round the court with him in playful savagery. One gem of Grantham's was in reference to Gully's defence : " Then, gentlemen of the jury, Mr. Parry is told he should have sued the contractors instead of the trustees, and the contractors would have said ' sue the foreman,' and the foreman would have said ' sue the hodman,' and so it would have been like the house that Jack built."

" Which house is that, Mr. Smyly ? " said Lord Esher.

"Really, my lord——"

"Is it on either of the plans you have put in?" continued the Master of the Rolls, waving them about impatiently.

Bowen smiled like a benignant Cheshire cat.

"I am not certain," continued Smyly, cautiously, "that the house in question is in any way connected with the case."

"It must be," said Esher, "or why did Mr. Justice Grantham tell the jury about it."

I was tugging away at Smyly's gown, and he turned round and asked what on earth the house that Jack built was all about.

"A nursery rhyme. Don't you know it? This is the house that Jack built. This is the malt——'"

"Oh, of course," interrupted Smyly, turning round to the Court with great seriousness. "I have consulted my learned junior, and he agrees with me that the house that Jack built is not set out on the plans, and that the house referred to by the learned judge is in the nature of a literary allusion."

Lord Esher laughed loud and long, and Bowen's smile broadened even more benignantly. The appeal was lost, and we went to the House of Lords with no success. Lord Hannen shook his head at me sympathetically, saying, "Of two evils, I had rather have a judge dead against me than strongly in my favour."

Lord Justice Vaughan Williams, who is now a pillar of the Court of Appeal, used to come on circuit a great deal. He began as a Commissioner, and we

stood greatly in awe of him, for he was a very learned lawyer, and rather insisted on things being done in legal decency and order. Some of the business short cuts of the Northern Circuit he did not appreciate.

I remember winning an important bankruptcy case before Judge Heywood in Manchester. On appeal we came before Vaughan Williams and R. S. Wright, J.J. The other side had Sir Robert Finlay, Q.C., and Yate Lee, afterwards the Stockport judge, a great bankruptcy expert. Sir Horace Davey, Q.C., was to lead me. The case came on in the morning, and Sir Horace Davey was down at the House of Lords. Finlay, seeing his advantage, opened the case in twenty minutes as an obvious mistake in the court below, and Yate Lee said nothing. I was called on to hold the fort against a hostile court until reinforcements in the shape of Sir Horace Davey arrived. I had several cases to quote, but the judges would not have them at any price, and Vaughan Williams kept putting wonderful legal conundrums to me, which I tried to answer or evade as seemed the safer course at the moment.

When Davey came in about half-past three, I think I had won Wright over to see there was something in the points I had raised. Davey told me to sit down, and he started at once. In his thinnest, most arid, and contemptuous tones he explained to the judges that it really did not matter which way they decided, because the case would have to go to the Court of Appeal. Still, it was a more convenient

thing that their lordships should decide rightly, or, in other words for him, in accordance with the authorities.

It is a great and rare gift to be able to talk like that to High Court judges, but I felt we were seeking trouble. Vaughan Williams listened for a while, then looked sternly at Davey, and began very quietly:

"Sir Horace, I have put a proposition to your learned junior which he is utterly unable to answer, and it is this——"

The proposition was put.

Davey heard him with theatrical impatience and weariness, and replied:

"My lord, I can understand my learned junior not replying to your lordship's proposition. Your lordship's proposition has nothing whatever to do with this case. As I was saying when your lordship interrupted me," &c.

Of course we lost that appeal. The two judges laughed Judge Heywood's decision out of court, and a few weeks afterwards the Court of Appeal restored Judge Heywood's decision, with appropriate astonishment at the reasoning of the Divisional Court. Such is the glorious uncertainty of the law.

Mr. Justice Hawkins was often on circuit in the earlier days. In the Crown Court he was painstaking, but in the Civil Court anything like figures or business details he found irksome. In one business case, counsel began discussing the question of the fall of 1-16*d*. in the price of yarn, when Hawkins indig-

nantly interrupted him by asking whether the time of her Majesty's judges was to be spent in dealing with fractions of the smallest coin of the realm. Finding that in the result it came to a goodly sum, he referred the case, and spent the rest of the day elucidating a slander action, which resulted in a verdict for another fraction of a penny.

Mr. Justice Cave very often visited the Northern Circuit. He was a stout, heavy, round-faced man, spoke with a nasal twang, and occasionally slept on the bench, but in spite of his peculiarities he was a straightforward, useful lawyer, and a not unkindly judge. He treated the junior Bar with good-humoured toleration, but I cannot say he suffered them gladly. Louis Aitken, who was the most scrupulous prosecutor on circuit, was one day prosecuting a thief before Cave at Lancaster, and finding that a sta ement of a policeman on the depositions was made in the absence of the prisoner, and therefore not evidence, properly and carefully omitted it. Cave, who was following the depositions with his thumb and a blue pencil, pulled him up:

"Ow now. Ow now, Mr. Aitken," he said, in his snarling voice. "This won't do, you know. You're garbling the evidence. That's what you're doing, garbling the evidence."

Aitken was too stunned to say anything, and Cave took the policeman through the whole statement. When he had finished, he snapped out: "Any other questions, Mr. Aitken?"

"Only this, my lord," said Aitken, who had recovered his equanimity. "Was the prisoner present during that conversation?"

"No," replied the officer.

"Ow," grumbled Cave, as he took his blue pencil and scored it out of his notes. "Remember, gentlemen of the jury, to forget all that. It's not evidence. Go on, Mr. Aitken."

A few days after Aitken was dining with the judges, and Cave nodded across the table to him and said, "Lucky we spotted that evidence point at Lancaster, Mr. Aitken."

I remember, too, in a small libel case the perfect sang-froid with which he transferred the blame of his proceedings on to the shoulders of Lancaster Woodburne, one of our most serious juniors who had something of the south country style. On a hot summer afternoon Woodburne had opened a very unimportant case in a highly impassioned speech, and when he had finished was horrified to find that Cave really was fast asleep. We had often seen him make the attempt, but this was the full offence. The weather and the luncheon hour were accessories before the fact.

"What on earth shall I do?" he muttered to me. I suggested he should call a witness, but Woodburne objected that the judge would not hear his evidence. As I was on the other side this did not seem to me to be very material. The judge's clerk was out of court, the Associate, well knowing the state of affairs, was busily writing below the bench with

his eyes glued on to his papers. The jury, indeed, were smiling broadly. There was no doubt that it was a painful moment for Lancaster Woodburne. Suddenly a pile of books near my elbow upset on the floor. Cave opened his eyes and shouted angrily at my opponent:

"Now then, Mr. Woodburne, why are you wasting the time of the Court? Are you going to call a witness, or am I to sit here all day doing nothing?"

How different again in manner and manhood was Mr. Justice A. L. Smith. We were all glad to hear that he was coming the circuit. "A. L.," as he was affectionately called, had a strong, breezy business manner of doing his work that suited Manchester admirably.

Sir Charles Russell once said to a new County Court judge, "Better to be strong and wrong than weak and right." It is a counsel of perfection to all judges of first instance. "A. L." understood the idea and acted upon it, and went one better by being seldom wrong. The main reason of his popularity and success as a judge was that he knew his own mind and was always ready to take responsibility promptly.

One of my earliest recollections of "A. L." was in 1887, when a man named Thomas Leatherbarrow was put in the dock and charged with the murder of a woman. The prisoner had been very violent in the police court, and the chief witness against him was another woman he had tried to kill. He came into the dock, a powerful giant, surrounded by three or four warders. He lurched forward to the rails and

gazed wildly round the court like a savage animal looking for prey.

Mr. Shuttleworth, the Clerk of Assize, read the indictment.

" Guilty," growled the prisoner.

" Do you understand what you are pleading guilty to ? " asked Mr. Shuttleworth.

" Yes, I understand."

" It means killing intentionally."

" Yes," said the man with a burst of passion, " and I would have killed the other, too, if I could have got at her."

" Have you anything to say ? " asked the Clerk of Assize.

" Not a word," answered the prisoner carelessly.

" A. L.," who had been thoughtfully watching the scene, assumed the black cap and passed sentence without comment.

The prisoner nodded to him, picked up his cloth cap from a chair, and said, " Thank you, sir."

" A. L." and the prisoner were perhaps the only two men who at the moment were clear and contented that the right thing had been done.

But it was in the County Courts that one learned one's first lessons, and as more and more those courts are becoming the elementary schools of advocacy it becomes increasingly important that the judges who preside should have had some sound experience in the business themselves. We youngsters in Manchester were greatly to be congratulated on the presence of Judge Russell, the learned author

of a well-known treatise on Mercantile Law, who presided in the Manchester County Court. Russell sifted out his advocates very rapidly. At first when you knew little or nothing about it he did the case more or less for you. If he found you had any initiative capacity at all he allowed you to flutter your wings on your own. But if you tried to soar to absurd heights he non-suited you on the wing, as it were, to prevent more serious accidents in the course of your aviation ; indeed, he was if anything too fond of the non-suit, regarding it as a very present help in time of trouble. But though somewhat strict in technical matters, he was a good lawyer and a useful judge for a junior to practise before. If you could do your work to his satisfaction you need not fear making your bow in the High Court. He was an autocrat, but his autocracy was beneficial to business and justice. Anything like trickiness or ill-faith was abhorrent to him. On one occasion a very learned but rather artful counsel read a correspondence to him and omitted a damaging letter, hoping, no doubt, to deal with it later on. When the letter came out Russell looked very black.

" Is that letter in your bundle of correspondence, Mr. X. ? " he asked.

" Yes, your Honour—and I was going——"

" Were going——" repeated Russell sarcastically. " Judgment for defendant."

It is wonderful how easily a good or bad reputation is made, and how careful the young advocate should be to keep his shield unspotted. I remember

having a very bad class of insurance claim which was tried before Lord Coleridge. Some Blackburn people had insured an old gentleman, described as an egg merchant, who died very shortly afterwards. It appeared that the deceased's employment in recent years had been leaning against the door of a public-house and falling in when it opened. He had not merchanted any eggs since 1862. These things and the rascality of the whole proceeding, which was little short of a conspiracy to defraud, became so apparent as the case went on that at last I said I could not believe in the truth of my evidence, and refusing to call any more witnesses told Lord Coleridge my reasons, and retired from the case.

Lord Coleridge smiled somewhat sarcastically, as I thought, saying, "A very candid expression of opinion about your clients, Mr. Parry, and I have no doubt the jury will agree with you."

A few weeks later I was supporting a counter-claim in a weary, complicated case at Liverpool, the last in the list before Coleridge, without a jury. I felt sure that if he would adjourn to the next day I could make him see there was something in it. Addison, who was for the other side, ridiculed it, and I quite thought Coleridge would cut it short and run up to town. About 6 o'clock, however, Coleridge said, "I haven't the least idea what Mr. Parry's counterclaim is about, and you think it is all nonsense, Mr. Addison; but I am sure he believes in it, and, as I know he wouldn't continue a case unnecessarily, I shall adjourn." We had the best

part of next day at the details, and my client got a substantial verdict.

Judge Hughes, when he was appointed, was expected to do wonderful things, and so, in truth, he did, but the authorship of "Tom Brown's Schooldays" was not a particularly good apprenticeship for the rough and tumble of the County Court, and his short cuts to ideal justice were seldom successful. One of his earliest exploits, when asked to decide who had won a race and was entitled to the prize, was to order it to be run again, with himself as referee! Apart from the judgment being without legal sanction, the point at issue was not who could win, but who had won the race. On another occasion, during the trial of the disputed ownership of a dog, the animal came into court, and the learned judge had him up on the bench. He then ordered the defendant to go to the other side of the court and call the dog. This the defendant did, and the dog came to him. Immediately judgment was given for the defendant, but the plaintiff complained that he had not been allowed a similar experiment, which very likely would have resulted in a similar way.

Chancery law was supposed to be a speciality with Judge Hughes, but I doubt if he had any real grip of any kind of legal principles. For instance, Byrne and I had a case before him in which a lady claimed specific performance of an agreement. It was a home-made agreement about the transfer of furniture, and it contained, among other things, a promise to

marry. Judge Hughes in his kind-hearted, impulsive way espoused the lady's cause most warmly. "Why did my client refuse to marry the lady? It was abominable conduct." For the defendant I tried to urge legal difficulties about decreeing specific performance to marry, but Judge Hughes only shook his head indignantly and kept muttering to himself, "I shall see that agreement carried out—every line of it! Every line of it!"

During the adjournment I chaffed Byrne about his agreement—of course, he had not drawn it—and asked him how the judge was going to carry out his order to compel my client to marry. Both our clients were very obstinate, but in the end Byrne and I made a full and fair settlement of all matters in dispute, though I shall always believe that my client was the more easy to deal with, because he believed that Judge Hughes intended to have him locked up, and only released when he consented to go quietly to the altar. When we returned into court and announced the settlement the learned judge was very vexed with Byrne, and waved us away, saying, "I wasn't frightened at Mr. Parry's law, and you needn't have been. I'd have had that agreement carried out—every line of it! Every line of it!"

As a Druid under an oak tree or on some island far from the Court of Appeal, Judge Hughes would have administered his own equity to perfection, and the suitors would have had an honest, righteous and sporting tribunal. But the administering of laws

made by others was altogether beyond his imagination. He was stone deaf to common law, and his equity dated back to a period before the discovery of the tree of knowledge of good and evil.

Coventry, the judge of the Blackpool Circuit, was a different type of man altogether. Silent, reserved, and patient, he listened at too great length to both advocacy and evidence, but his decision when it came was sound in judgment and of few words. Charles Costeker, of Darwen, who loved a sporting litigation, once instructed me to defend a most unusual case before Coventry in the Blackburn County Court. The defendants were the vicar and churchwardens of a Darwen church. It appeared the plaintiff had taken a dislike to hearing the curate preach, and used to walk out in order to avoid doing so. This insult to the curate the churchwardens resolved to avenge, and one Sunday morning, when the plaintiff tried to leave the church as usual, they locked the door and sat near it and prevented him going out. He, therefore, sued them for damages for false imprisonment. The vicar knew nothing about it, but as far as the churchwardens were concerned, there was really no answer, though I discovered a canon of the Church that makes it one's duty to stay and diligently hear the sermon. Coventry, however, was not having anything to do with such an obscure affair as canon law, and the common law was clearly against us. I am afraid the judge, who was of Quaker origin, and some of the advocates were woefully at sea over the details of the Church service,

and an old Lancashire verger amused us greatly with one of his replies to Coventry. He was asked when he first noticed the plaintiff come into the church.

"It was during Venaite!" he replied.

"How long after the service began?" asked Coventry.

"It was during Venaite," he replied.

"I don't want to know anything about the Venite," said Coventry, who hadn't an idea of its liturgical position. "What I want to know is was it ten minutes after the service began, or when?"

"It was during Venaite."

"I don't understand what you mean by that," said Coventry, putting down his pen in despair. The verger thought the word Venite was puzzling the learned judge, and with great friendliness and a pleased smile of superiority turned round and said to him, "I'll tell yer about Venaite. It's like what you an' me if we were talking to ourselves 'ud say: 'O coom, let's sing to the Loord.'"

Crompton Hutton, a very learned man of a curious, cantankerous character, held sway over the Bolton and Bury district. He had had a large practice in London as a junior, and though his methods were irregular they did not lack common sense. He never wore robes, and I was told it was an offence to appear in his court in robes. The first time I went before him was at Bury, where he sat in a club-room adjoining the court. I was very frightened, and he glared at me in a way that did not make me less

nervous. I and the solicitor against me, Mr. Anderton, sat on each side of him at a long table with the fire opposite the judge. I found out afterwards that if you could get one of your opponent's witnesses to stand between Crompton Hutton and the fire he was dismissed the room, and his evidence was never heard. I did not know these and other rules of the court then. The judge pointed to a seat, and I sat down.

"What's your name?" he asked.

"Parry," I replied.

"What does he say his name is, Mr. Anderton?" he asked my opponent, turning his back on me.

"Mr. Parry," replied Anderton.

"H'm. How do you spell it. I never heard such a name," he grumbled.

This made me very angry, and I retorted, in much the same tone: "Of course you've heard it constantly. I've seen your name in the law reports with my father's, Serjeant Parry, many a time."

Crompton Hutton rose in his chair and spread out his arms as though he was going to hug me.

"What, are you a son of the dear old Serjeant? Really, now. And what are you doing in these God-forsaken parts? Sit down. Delighted." And he wrung me by the hand in the most friendly fashion.

The case was about a milk float and a lurry. I was for the lurry, and we won, mainly, as far as I remember, because an imaginative office boy of Anderton's had drawn his client's milk float galloping

up the road on the wrong side of the way with the driver waving his whip, and Crompton Hutton regarded it as a conclusive admission of facts.

Anderton was a big, heavy, red-faced man of the elder Weller type, and quite as kind-hearted and straightforward. As we walked across to the Derby Arms for some lunch when the case was over:—

"I tell you what it is," he said to me, "you'll do very well with Crumpy, but you'll have to do what he tells you."

"About what?" I asked.

"About wearing that toggery. He won't stand it."

However, he had to stand it, and, fair play to him, though he used to tease me about it, we never quarrelled over it. I went before him often, and much pleased him by persuading the Divisional Court to uphold him on appeal in a building case.

I became quite a favourite of his, and he would always take a case of mine first when he could. I remember once two Chancery men with long affidavits and witnesses to cross-examine were ahead of me, and Crompton Hutton as soon as they were seated turned round to the defendant's counsel and said, "Call your client."

"Call my client?" said the astonished advocate. "I want to cross-examine the plaintiff's witnesses first."

"I know you do," said the judge with a sneer, "but we don't waste time that way here. You will

be asking for further consideration next, but you won't get it here."

"But I'm entitled to——"

"Certainly, but not at other people's expense. Now, Mr. Parry."

And the Chancery protests were unavailing. I got heard and sent away.

I just caught the beginning of the Chancery case. The defendant's counsel was again asked to put the defendant in the box, and refused.

"And I'll tell you why," said Crompton Hutton. 'I've read those affidavits, and unless the defendant swears the necessary additional facts you've no case, and if he swears the necessary additional facts I'll commit him for trial for perjury. That's all!"

There was a lot of common sense about Crompton Hutton.

CHAPTER IX

FIRST BRIEFS

At last the golden orientall gate
Of greatest heaven gan to open fayre.

SPENSER: "Faerie Queen."

I SUPPOSE in early days the "stranger" must have been a sadly persecuted individual, else why should there be so many texts persuasively commending him to the care of the righteous. Even now there are some communities and clubs where to be a "stranger" is to be set apart and treated like a leper. Those out-houses in which guests are housed in some of the pre-historic London clubs are examples of what I mean. In earlier cannibal times no doubt the "stranger" was merely a welcome addition to the larder, but even then there seem to have been ceremonies and rites in the fattening and final presentation of the guest which students of folk-lore would regard as the early manifestations of hospitality. However that may be, there is no doubt that in the treatment of the stranger within the gates the north country is farther removed from barbarism than the south. In London, for instance, every man is a stranger. I have met fellow-countrymen from the Colonies who found the welcome secured by introductions to London to be an entirely

formal and cold-blooded affair compared with that extended to them by a similar class in the north. Not only in London, but taking its anti-social note from London, the surrounding south is chilly and aloof towards its fellow-man, especially if the fellow-man talks broadly with an open accent, and has not attained that weary, blurred, mincing tongue which serves the southerner in lieu of speech. It is not so much that in these sunny latitudes we have forgotten our duty to our neighbour, but rather that we have never had any neighbours, that we have made it a religion not to have neighbours, and continue to live for years and years in our semi-detached surburban villas without exchanging a word with the man next door, whose ties and trousers do daily offence to such creeds as we still possess. Whereas the gospel seems to have taught the uncultivated men and women who live on those wild stretches of railway beyond Rugby and Crewe that everyone is a neighbour, and must be treated according to the text in that case made and provided.

I have already spoken of the kindness of my first friends in Manchester, from which sprang many other pleasant friendships. No end of folk seemed to take an interest in our small household. I think some came to look at us out of curiosity. The impertinence and absurdity of an unfledged stranger settling down among them in this way seemed to amuse them. I remember taking in to dinner the wife of an eminent professor who made it her duty to know the inner household affairs of all those

tenements and hereditaments situated or adjacent to the Oxford Road, between Nelson Street in the north and the White Lion in the south.

Turning to me as the cloth was removed, she said in a tone half of entreaty, half of command, "Tell me, Mr. Parry—I have heard so many different accounts and I really must know—what did you marry on?"

I had the presence of mind to answer, "Nothing, madam, absolutely nothing!"

The romance of it touched her tender heart, dear soul, and she was for ever asking us to dinner under the firm belief that we were starving.

Certainly no strangers ever had a kinder reception than we had in the north, and it seemed to make the months of waiting for those first briefs pass very smoothly and pleasantly. And what made life more joyous than anything I had experienced was the professional comradeship of those among whom one's work had to be done. There were still many circuit wanderers domiciled in London who followed her Majesty's judges when they went their rounds, but there were also a large number of local barristers who dominated the Quarter Sessions and did the work in the County Courts. All those were, of course, members of the Northern Circuit, and in the absence of the assizes, upheld in their daily struggles the spirit of sympathy and good-fellowship for which the Northern Circuit is justly famous. Even the Chancery men who made vast fortunes in the Palatine Court joined

the circuit, and became less sterilised and better humanised under the fragrant influences of Bar mess.

How curious it is that the common law mind always thinks of a Chancery man with pity mingled with a certain distaste. Pity which is sworn servant unto love springs from our admiration of the Chancery man as a human person; the distaste is engendered spontaneously, and arises, I fancy, out of and in the course of his occupation. He wears to all appearances a similar gown, his wig is of the same iron grey, he quotes from somewhat fatter and duller books perhaps, but they are written in much the same joyless jargon—I never met a jolly, breezy, merry, law book—and yet there is something in the flavour of him that you find in professors and schoolmasters, the drier sort of vicars and policemen. Is this shrinking from the Chancery man some prejudice atavistically reproduced from the days of "Jarndyce v. Jarndyce," or a manifestation of eugenic instinct? It is difficult to say, but I know that it is not a merely personal prepossession. The old court-keeper at Strangeways acknowledged to the feeling, and he saw more of the Chancery men than he did of the common law men, for the Palatine Court he had always with him. I asked him once to explain to me the reason of it, but it was beyond his powers of analysis. He had the same instinct about Chancery men that was inspired in the mind of Tom Brown by the late Dr. Fell, but the reason why he could not tell. I discovered this quite accidentally and it became a bond of union between us. It happened in this way.

A small light and air case had—like some seedling weed—got blown into the assize list from across the corridor where the Palatine Court droned along, and with it came Astbury. Yes, Astbury—even Astbury was once a junior and sat in the back row. I was against him. I think it was the fault of Stephen, J., who did not understand plans, or the superior cunning of Astbury, who built up a model of the buildings with volumes of "Barnewall and Alderson," and by the kindergarten methods of Froebel captured the judgment of the Court; or maybe, as I told my client afterwards, we never had a leg to stand upon, and Astbury had the right end of the stick—he was often attached to that end. Be all that as it may, Chancery defeated Common law utterly and with costs.

I can see our good janitor's gloomy face as he leaned over the carved end of the seats and gazed wearily at us. We were the last non-jury of the assizes, and he was waiting with the charwomen in ambush to do the washing up. "Eh! Mr. Parry," he said with a deep sigh, almost a groan, "and to think of you being beat—and by a Chancery man." It seemed a thing hard to bear at the time and likely to be fraught with ruin, but it was forgotten, and now I recall it more as a story of misfortune than disgrace. For it is easier to remember the ill turns of fortune's wheel than the lucky ones. How meanly we bluster over memories of ill-luck, and never give a thought to the briefs that leaped the bunkers and the points of law that

holed out from the edge of the green. The other fellow's good fortune we remember sneeringly well, but our own—well, it is a common failing, and certainly I am not more free from it than another. But I suppose every one who has had any fortune at all at the Bar could tell some amusing stories of accidents that have helped him to success. Certainly in my short round—I only played nine holes, as it were, for within ten years of my call I was a judge—I cannot grumble at my luck, and some of the early chances which brought me briefs were as unexpected as they were entertaining.

It must have been within a year of my coming to Manchester that I was met by a glad surprise when I went down to the Assize Courts to my usual occupation of sitting in the back row and listening to others do cases in a manner that made me feel really sorry for them, their clients and myself. Wandering along the corridor in a weary and somewhat melancholy way, feeling that I had no real part in this hustling crowd of excited litigants and lawyers that the first day of assizes brings together, I was suddenly handed—a brief. If it had been a writ or a County Court summons or—but it was a brief. And there I was charged with the responsibility of defending a tradesman who, with his servant girl, was indicted for conspiracy to conceal the birth of the latter's child. The papers were marked " 15 and 1. With you Mr. Addison, Q.C." I had never heard of the solicitor, and he took occasion to let me know that he had never heard of

me, and had had some trouble to find anyone who had. However, there was the brief, a very fine specimen of that *rara avis*, and I promenaded with it under my arm or left it lying about in prominent places in hopes that it would act as a decoy. Towards the end of the sittings Addison defended the prisoner with great success—I had really nothing to do but look on—and both he and McKeand, who defended the girl, obtained acquittals. The case created some sensation in the local town where the prisoners came from, and I heard that the prisoners and their counsel were burnt in effigy on the evening of the trial.

I never learnt the solution of that mysterious brief until years afterwards. What had happened was this. I had been defending some prisoners for McKeand in the second court at Salford Sessions, one being the case of a man charged with assault on a woman, in which, to my own and other people's surprise, there was an acquittal. The prisoner in the assize case was on the jury in that case, and when his own turn came, having seen no other counsel defending prisoners than Parry, he came to the conclusion that Parry was essential to his liberty. Nothing that his solicitor could do could alter his determination, so the sensible solicitor obeyed his client's instructions and with some difficulty discovered Parry, and then in order that his client might have a really good run for his money he gave Addison a leading brief.

One solicitor came to me for elaborate opinions

on difficult points of law, and always marked the brief Dr. Parry. I found out that in a local list of the Bar, my name being next Pankhurst's at the bottom of the page, the printer had repeated the Dr.—really it is quite as good a way of obtaining a degree as any other—but my practice as a doctor of law ended after six months when a new and correct list was printed.

I had a visit once from a solicitor from Burnley with his client, a bookmaker. They had some talk outside with my clerk and then came in. The bookmaker nodded and said, "That's him," and appeared to be very satisfied. His great anxiety about his case, which was a summons for keeping a betting house, is best expressed in his own instructions, which he repeated to me several times. "I ain't partickler what I pays, but I want yer ter see that at the end of the case there ain't no going down stairs."

The county magistrates let him off with a fine of £80. He was a well-known and not unrespected character, and perhaps had met some of the justices in another place. He seemed to think the magistrates pocketed the money, for he took it very philosophically, and said as he crumpled up the receipt for the fine: "After all, it's quite natural they should try and get a bit of their own back to-day, but I'll have my turn presently."

I learned afterwards that the bookmaker was an admirer of my style of advocacy. His solicitor, a broad Lancashire man, told me the story of it.

" He comes to me and says ' I want that two-year-old I sees at Bury County Court last week.' What's his name ? I asked. ' Hanged if I know,' says he, ' but he's a long, lean, lanky beggar, and he puts one foot on the desk and just talks to the judge like as if he was his feyther.' With that I came to Manchester, and I was talking to one of Cobbett's clerks and I repeats the description, and before the words were out of my mouth he says ' Parry ! ' So we comes round to your chambers, and sure enough he was right."

Had one the pencil of Sir Thomas Overbury, how pleasant it would be to draw the outline portraits of the worthy characters of my comrades of the Northern Circuit. Looking back on my short sojourn among them, two men seem to stand out as types of the genius of the circuit, Gully and Charley McKeand. Both were ideally honest and full of consideration for their opponents, and it is in these qualities that I think the Northern Circuit is pre-eminent.

But though they shared these good attributes they had little else in common. Charley McKeand was as rough and blustering in his advocacy as Gully was smooth and polished. Gully wounded his victims with a rapier, McKeand with a bludgeon. All advocacy ought to be straightforward, and the bulk of it is. Certainly, the standard of honesty and open dealing on the Northern Circuit is a very high one. But Gully and McKeand were the Quixotes of the Bar, and when a junior like myself had to appear against

either of them he realised what a refreshing thing it is in advocacy to be concerned in a case where, however powerful is the frontal attack, there are to be no ambushes or ambuscades.

Charley McKeand had not anything of the appearance of a leader of the Bar, yet he developed rapidly into a very clever advocate, and would have done big things but for his untimely death. The first impression of him was of a big, jolly, careless Englishman, rather stout and easy-going, fond of sport and sporting companions. But give him a brief, and his attitude towards life changed. He was never a learned lawyer, but he knew the law of evidence well, and would get some junior to "devil" the legal circumstances of any case that had any law in it, and quickly picked up all that was necessary to his purpose. He began his advocate's career in the right way, by defending prisoners from the dock. If, with a copy of the depositions in front of you and an oft-convicted thief in the dock behind you, the verdict is "Not guilty," you may know that you are qualifying for an advocate. Charley McKeand did it—not once, but again and again. There was no apparent art in his style, but he thundered out the most absurd suggestions of a hopeless defence with an energy and enthusiasm that often inspired a belief in them in the minds of an inexperienced jury. He soon became the fashion, and no criminal would be without him if he could possibly afford his services.

He was one of the most popular figures in Manchester, and the mob, who always take the side of the unfortunate nobleman in the dock, called him in their good-natured adoration "The People's Charley." When he defended a cabman at the police court who had got into some trouble with the authorities over hackney coach bye-laws and defeated the police, the cabmen of St. Anne's Square cheered him as he drove his phæton down to court with his bull-dog by his side, and held a mass meeting and sent a deputation to his chambers to present him with a handsome gold-mounted malacca.

It was about this time that he was pressed to stand for municipal honours. Certainly no Nonconformist conscience could have stood a chance against "The People's Charley." He greatly enjoyed the first invitation he received. A few of the inner circle of the politicians of a certain ward came to visit and ask him to stand as a Conservative candidate at the next municipal election.

"But I heard Mr. X. was going to stand," said McKeand, naming a very respectable citizen.

"Nay, Mr. McKeand," said the spokesman, dwelling lovingly on three syllables of his name. "Nay, Mr. McKeand, we don't want Mr. X., we wants you. Mr. X. ain't anything to the likes o' us. You know our ward, Mr. McKeand. It's full of bookmakers and thieves and rat-catchers—you knows the sort and they knows you—and they'll vote for you like one man."

However, McKeand had no ambition for a seat on

the City Council and stuck to his work in court, of which he was really fond.

His readiness and resource were extraordinary and he said and did the most startling things without offending the most straight-laced judicial persons. Hopwood was presiding in a third court at the assizes, trying some of the minor prisoners. An old woman indicted for larceny had given McKeand a dock defence, and he rushed in at the last moment to make a speech on her behalf. It was clear he had not had time to study the depositions, but a few words from Ernest Jordan, who was devilling the case, put him on the right line, and he was soon in the middle of an eloquent harangue. Coming to the end of it he exclaimed, "And what, gentlemen, did the poor woman say when the magistrate's clerk asked her for her defence. I will read you her very words, and I think you will agree with me that they bear the stamp of conscious innocence." Ernest Jordan tried to stem the torrent of his eloquence here, feeling sure he was remembering another set of depositions, but it was no use. McKeand seized the papers and turned them rapidly over. "Let me read you her exact words. Ha! Here we are. Oh! H'm!" He faltered a little when he saw them. "Well, gentlemen, this uneducated woman does not put it as you or I would put it, but I said I would read her words, and I will. What she says is: 'How the hell could I have the —— boots when he was wearing them?' And, gentlemen," continued McKeand in a concluding burst of eloquence,

"I ask you, with some confidence, how the hell could she?"

Charley McKeand must have been seriously thinking of taking silk when the end came, and a terrible end it was both to himself and his friends. After the summer vacation I went round to his house to see him, and found him on the eve of a visit to London to see Sir Frederick Treves.

The Manchester doctors had told him that he was suffering from cancer, and that they feared it was hopeless to operate. He was very calm about it, and did not expect any better verdict, but he thought it satisfactory to take another opinion. The opinion went against him, but he returned to his work, and for three months, though in great pain and under sentence of lingering death, continued his work with cheerfulness and energy. It was a noble example to those of us who fret over small troubles, and I do not think it was lost on any who witnessed it. In December he became too ill to continue work, and gave up his chambers. I last saw him at Brighton. We dined together, and I sat telling him old circuit stories and recalling cases we had fought together until late into the night. He came to the door to see me off, and I said I would look him up at home when he returned. He shook his head, and said with his delightful smile, "Not a bit of it, Parry. We have had an excellent evening, and this is the time to say good-bye."

He died a few weeks afterwards, having been spared long enough to see his only child. Until the

tragedy happened I do not think any of us had fully understood what a force of quiet bravery there was in Charley McKeand.

I suppose I ought to remember Gully as Lord Selby, but for the life of me I cannot. As Gully we loved and admired him, and as Gully he will always remain to those of us who are proud to have been his juniors. Undoubtedly he was one of the best and most inspiring leaders that a band of advocates could honour.

There were those who said that Gully had had all the life hammered out of him by Charles Russell, but there was no truth in this at all. For years he had stood up against Russell in case after case, and it must be agreed that anyone who came in contact with that forceful genius had to stand a fair share of hammering. But Gully was chosen for the part because he was the fittest to enact it, and when Russell "went special" Gully naturally took his place as leader of the circuit, a position he held until he retired to a more honourable office. I was both with and against Gully in many cases. A barrister, like an actor or a sailor, is dependent for his happiness on his companions, and especially his superiors. Gully was peculiarly courteous and considerate to his juniors, Russell was often the reverse. The latter would turn round to a junior and, not getting the immediate answer he wanted, say, "What on earth are you doing?"

"Taking a note," one junior replied with conscious rectitude.

"Don't," said Russell with an explosive interjection; "attend to the case."

It must not be thought that Russell was only rude to his juniors. Let us remember with pleasure that he was the advocate who, when asked by a Law Lord for some authority for a proposition, called out in his most rasping voice, "Usher! Go into the library and bring me any elementary book on common law."

But just as Russell's manner cannot be reproduced in print because it was unprintable, so the charm of Gully's presence eludes you in words that give an effect of weakness and softness which was not really his quality.

I once heard a Lancaster juryman coming out of court say "I likes Mr. Gully, he speaks so gentleman-like." This word does not quite convey its meaning in the printed form, you want the burr of the North Country in its pronunciation and the affectionate tone in which it was uttered, and the smile of content that lighted up the speaker's face as he thought of Gully. One secret of Gully's success as an advocate was conscience. I doubt if any advocate is worth his salt without a highly developed conscience. With Gully it was not only there, but it worked automatically, and he never argued with it. He did the straight thing naturally. And Gully was like Charley McKeand, a great comrade. He had a high ideal of circuit life, as those who went the circuit under his leadership can testify. I think of him as a gentleman in the real old English sense of the word, such as Master Izaak Walton knew in the friend he

describes as "learned and humble, valiant and inoffensive, virtuous and communicable."

I went into the corridors of the Strangeways Courts the other day, and ghost-like I paced round the haunts of my early days. Very few were the familiar faces. I have no doubt the old circuit is as full of laughter and good fellowship as ever it was, but to me it is a memory, and in the foreground of the memory stand the figures of two dear comrades, Gully and Charley McKeand.

CHAPTER X

ALARUMS AND EXCURSIONS

Whether in the biography of a nation, or of a single person, it is alike impossible to trace it steadily through successive years.

RUSKIN: "Praeterita."

I SUPPOSE in a certain sense every brief or retainer or notice of motion or summons for directions is an alarum, or alarm, or call to arms; and each appearance in Court is in the nature of an excursion. But I had in mind in choosing my title some of those occasions on which I was called away from the usual routine of my work to take up other affairs in some different part of the world.

And casting my glances back to my early days at the Bar, I remember, as though it were a fact in another person's life, that I could never keep away from an election if there was one about, though I can be honestly thankful to-day that my young ambition to be one of the principals in such a contest was never granted to me.

One of the most stirring elections I played a part in was in the autumn of 1886, when I went down to Bristol to help Mr. Joseph Weston, to whom I acted as a sort of political secretary during the three weeks preceding the election. I am not

sure that I was not a corrupt practice or at least an illegal expense within the meaning of the Act, for no return was made about me in the election expenses. But I was really not a fighting unit, being only a personal intelligence department for Mr. Weston, and I sat in his drawing-room, which was papered with sketches and drawings of William Müller, many of which are now in public galleries, and there I watched the progress of the game, made notes of speeches, wrote letters, held conferences with my chief, and in leisure moments studied the methods of one of the greatest water-colour painters of the English School.

Sir Joseph Weston, as he afterwards became, was a well-known and popular citizen. Born in 1822, he had, with his father before him, been engaged in the hardware and iron trades. He was connected with big concerns in his own city and Birmingham, such as the Bristol Wagon Works and the Patent Nut and Bolt Company, and politically might be described as a sound but not an advanced Liberal. His life had been business not politics, and he had not given any great amount of thought to the questions of the hour. He had been Mayor of Bristol for four successive years, and always treated every class and creed of citizen with lavish hospitality. It was rumoured that he would have been member for the city before its division into districts, but for an untoward incident arising during his mayoralty, which, though merely prompted by his natural hospitality and kindness of heart, was misunderstood

by those who had to consider its legal parliamentary bearings. Mr. Samuel Morley, who had been member since 1868, was desirous of retiring for reasons of health, and the local association interviewed two candidates. The first was an eminent counsel of the Western Circuit. He, with Gladstone bag and the true faith in him, came down from London, gave the deputation a sound political oration at his hotel, and with incorruptible correctness bade them good evening. The deputation then walked across to the Town Hall, where they were received by Mr. Weston, who told them in a few words his short and simple creed. This over, he said with a sigh of relief: "Now, gentlemen, politics are done with, and I am once more the Mayor of the City, and as I have never allowed any deputation to go away from the Town Hall without entertainment, I can make no exception of yourselves." The doors were thrown open and they sat down to a princely supper.

Sad to say, when this reached the ears of the eminent London counsel and his legal friends in high places in the party, their formal minds saw in the kindly Mayor's thoughtful hospitality the possibility of future trouble in Election Courts. The fact that the same evening or early next morning the association had unanimously selected Mr. Weston as their candidate, did not seem to weigh with them against his dangerous act of playing the good Samaritan to possible voters. A way out of the difficulty was found by persuading Mr. Samuel

Morley not to resign, and in 1885 Mr. Weston's chance came, when he was assigned the South Division of Bristol, rightly regarded from a Liberal point of view as the one doubtful proposition of the election.

Mr. Weston was certainly one of the most generous of men. There was nothing grudging or of necessity about his donations, he was in heart and aspect a cheerful giver. He had a special secretary to investigate cases of distress and keep the accounts of his subscriptions, and it was really a matter of sorrow to him that during the election he had to keep his hands out of his pockets and close his ears to local appeals for fear of committing some breach of election rules. He had always been in favour of Disestablishment, and though this was not really an important issue at this election, the drum ecclesiastical was beaten through the streets of Bedminster, and a serious clerical campaign was entered upon against him. With priestly tact a sermon was preached against Mr. Weston in one of the churches which had been enriched by his gift. If I remember right, the present had been the very pulpit from which the clerical election bomb was hurled. The incident created a good deal of stir. It is curious what small things influence the course of an election. That sermon, the output of sincere, weak-minded, unbusinesslike enthusiasm, preached probably to a regular Tory-voting congregation, where there was no possibility of gaining votes, became a valuable electioneering asset to Mr. Weston's friends. He himself got many letters from fellow-citizens opposed

to him in politics regretting the affair, but I do not recall that he ever referred to it in public himself.

And when I look back on those nights and days of anxious work, the crowded meetings, the weary conferences, the dull round of deputations, and then the final shoutings, booings, or applause of the result, followed by speeches of triumph or manly resignation, I wonder there are men always forthcoming to face the cost and trouble of it. What reward did Weston get from it other than vanity and vexation of spirit? But when we were in the thick of the thing on Wednesday, November 25, 1885, no thoughts of the triviality of the affair ever entered our minds. The eyes of Bristol were upon us and the eyes of the Empire were on Bristol, and we were all intoxicated by the unwonted limelight. Men, women and children, horses, donkeys and dogs wore red or blue favours, and one gallant Tory paraded the streets in a sky-blue suit, and to the delight of all parties had dyed his dog the same colour. It was after half-past twelve at night before the result was announced. We were waiting on the first floor of a little greengrocer's shop opposite the local police station. There had been many false alarms. A huge crowd surged beneath us, cheering and groaning other results. At length our figures flashed out in a transparency across the street:

Weston	4217
Hill	4121
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One half of Bedminster went mad with joy, the other half booed and groaned as though hope had departed from their lives. Mr. Weston was whirled away in his brougham to make a round of his constituency and I went forth to see the fun, for Bristol on an election night had in those days something of the Eatanswill spirit left. There was window-breaking going forward in one of the main streets and a few police sallies, and later on, well after one o'clock, when I reached an open square, Sir Michael Hicks-Beach or one of his friends was addressing a large and enthusiastic mob from the windows of the Royal Hotel. "Who's in for the South?" shouted someone. "Weston," came the answer from hundreds of voices, and prolonged groans followed the announcement. There were but few police in the streets, and the mob was orderly enough and well content to shout over its solitary Conservative success, when a sound of counter-cheers approached from the south, and as it came nearer the cry went up "Weston! Weston!" He was boxed up in his neat single brougham. I could not see him from where I stood, but I could see the stalwarts of his party, a lot of sturdy fellows who had tied ropes to it, and were pushing and pulling it along or sitting on the roof and cheering as they rocked their way into the square. It was the brougham's last night out, but it was a glorious one. As it neared the Royal Hotel this delirious procession became a cause of offence to the rival crowd. As if with one movement, they turned on the advancing carriage, and it

looked as if there would be a faction fight worthy of the Emerald Isle, in which Weston was bound to be injured. But a wonderful manœuvre prevented it. From some ambush sprang to light about a hundred police. They made their way to their beloved Mayor, surrounding his carriage and sufficient men to pull it. This solid wedge of police drove itself through the crowd to the bottom of Clifton Hill, and there the carriage was sent on its way with a few police, and the main body suddenly turned across the street and blocked the crowd back. It was a smart piece of work, and the mob gave the police a most complimentary groan when they saw how they were outwitted. In this way, in November, 1885, Weston, M.P., came to his house in Clifton, full of the joy and glory of victory. But in the summer of 1886 it was entirely the other way, the cheers were for our opponents and the tears were ours. Then Mr. Weston received a knighthood from Mr. Gladstone for his services to his country, and his political career was at an end.

But the alarum came to me from another part of the world altogether at the next general election. I was at Lancaster Sessions when a telegram called me to Aylesbury to act as agent for Mr. C. D. Hodgson, who had pluckily gone down to fight a Rothschild for Gladstone and Home Rule. We had only a fortnight to do it in—but what a fortnight! I travelled right up from Lancaster to Willesden, and across from there to Westbourne Park, catching the last train to Aylesbury, and found myself late at

night in command of a big empty house with tables and chairs and pens and ink, and a fine band of voluntary workers. It was many nights before I got a sleep in bed. It was real campaigning. Everything had to be done in no time. It was a big straggling division without any railway, but we planned to have a meeting in every village and carried out our plans, pushing our forces over the Chilterns to the little village of Totternhoe, the rural silence of whose common was for the first time disturbed by political speech. Indeed, we were a thought too active. For our only hope of any success—and that a slender one—lay in the fact that at the last election feeling had run so high between the supporters of Liberal and Conservative that open fights had taken place, and the Conservatives had declared they would never vote for a Rothschild. If the Conservatives had held aloof it would have been an interesting fight. However, the Union had to be saved, our rebellion was taken seriously, a four-lined whip went out to all the blues, and they flocked to the ballot against us and we were routed.

It was during this election that I first learned something of the iniquity of imprisonment for debt. I was told that in a certain village a tradesman could command some two hundred votes, and that it would be well to appoint him a chairman of a local committee. I went over to interview him. He was very shy, and seemed diffident about Home Rule and afraid of the Catholics, but after a lot of talk he said he would vote for Hodgson and use his influence in

the village in our favour if he took the chair at our meeting. All this was arranged, but I could not imagine why such a miserable, mean, uneducated, narrow-minded little person should be a leader of enlightened thought, even in a Buckinghamshire village. I was asking one of our supporters in Aylesbury, a shrewd, keen man of business, about my little friend, and he opened my eyes as to the nature of his influence.

"Oh, he's all right," he said. "He's got the votes right enough. He's two hundred of them on his books."

"On his books," I said in surprise, not understanding what he meant.

"Yes. He gives pretty wide credit. The whole village is on his books, and half of them are under judgment summonses. He don't put them in prison, of course, but they know he could do."

I expressed my view about the iniquity of such proceedings, which I scarcely credited.

"I don't see anything wrong in it," continued my friend. "It's checkmate to the parson. The parsons about here threaten a labourer with hell in the next world if he votes Liberal, and our friend threatens him with hell in this, if he votes Conservative, and then he votes as he likes. It seems to me reasonable enough."

It is curious how far removed this neighbourhood was from London and the political world. The workers listened eagerly to speeches from wagons and in schoolrooms, but the questions discussed were

evidently new to most of the hearers. Many strange questions were asked you, and curious ideas of the position of affairs put forward. One of the strangest politicians I ever met was an old farm labourer tramping towards Hughenden. I jumped out of my pony cart and walked with him up the hill.

"Are you a voter in the Aylesbury Division?" I asked.

"Aye, that I be," he replied with a grin, in a chanting voice.

"I hope you are going to vote for Mr. Hodgson."

"Aye, I be going to vote for Mr. Hodgson right enough, fur he be Gladstone's man."

"Right you are," I said, "he's Gladstone's man."

"We know a bit about them politics down here," he continued, in a monotonous sing-song. "You see Disraeli he lived down Hughenden way. They made him Lord Beaconsfield, and he's buried over yon. We was very proud of him, we was."

I began to think there was a blunder somewhere, and said: "But Hodgson is Gladstone's man, you know."

"All right, I understand, I understand," he said, rather testily. "I told you we know all about them things here. When Disraeli was alive, why, him and Gladstone lived like brothers, didn't they? And I say now one's dead, vote for t'other."

It seemed useless to disturb the comfortable and convenient myth that the old gentleman had built round the only two names in the political world he

had ever heard of. We were at the top of the hill, and our ways parted. I once more assured him that Hodgson was Gladstone's man, and bade him farewell.

And I call to mind a very different excursion from these political ones, for I little thought when I went down in early life to the assizes at Norwich that I should ever have the honour of presiding in the wonderful old court there. It is certainly one of the least convenient for its purpose of any that I have ever seen. There are the most mysterious collection of pens and pulpits in its interior, which from the crow's nest in which the judge sits seem to have been designed specially to prevent anyone getting from one to the other when it is necessary to do so. It took twenty-five minutes to get a jury collected, seated in the right pen and duly sworn. To my Manchester mind this was a long pause in my day's work, but there is more time to the hour in Norfolk than in most places, and once you get there, there really is no hurry. The witness-box in that court is of very peculiar design. It is built like a sentry box. The witness enters it from behind; a special verger or usher shuts him in, and he stays there until released. I watched a quaint comedy or rather farce in which a jovial horse-dealer of very ample proportions played the leading part. With great difficulty he was got into the witness-box and the door closed by a clever wrist movement of the usher. It is true some of him overlapped the bar in front, but the rest of him was actually in the box and the

door closed. All would have gone well if counsel for the defence had not made him laugh—when he must have expanded, and click! bang! the door flew open, and we had to wait until the irate usher slowly awakened, strolled down the corridor, and got him pressed in again and shut the door. This went on two or three times, to the great discontent of the usher, who at last set his back to the door and kept the fat horse-dealer in by sheer force. What would have happened if the back door of the box had been left open I do not know, but I think it might have hurt the usher's feelings to suggest it, so I kept silence.

I was sitting there for my brother, Judge Addison, K.C., who had recently been appointed, and was ill and had asked me to sit for him, which as I had a holiday I was very ready to do. It was my first experience of travelling to little country towns, and in those days, when there were no motors and the railways were very slow and inconvenient, it was anything but a pleasant task. I remember in the County Club, which gave me a kindly hospitality, a genial, well-built, jolly squire, who knew what my job was, asked me how the working class of the North compared with the men I met in the courts round Norfolk. I made answer to the effect that the Northerners were quicker and sharper, perhaps, but, then, the Norfolk people had a quaint mother wit. "But," I added, "either of them can tell you what isn't true occasionally."

"Oh," he cried, "liars! Of course, they're liars!

That's nothing. They are all Radicals and Dissenters about here ! "

I have often wondered how my good friend Judge Willis, K.C., got on with the Norfolk squire when he was appointed to that circuit.

The difference between the Manchester ways of thought and those of Norfolk were very marked, and so were their methods of business. At one place a solicitor began quoting some law from a book, when his opponent got up indignantly and said it was a well-understood local custom that if a solicitor was going to bring a law book, he should give notice to the other side. I agreed that it was a very proper custom, and impounded the law book, feeling strongly that if there was any advantage in the possession of the law book it should be with the Court.

The case went on very well without any law, as it was a running-down case and a not unamusing one. A local ruffian had hired a pony and cart and gone to Sheringham to collect his father's rents. He took two friends with him, and they seemed to have drunk the rents and smashed up the trap and lamed the pony. The ruffian was a humorist, very stolid and slow, with an added falsetto of his own to the long, drawling Norfolk speech which seemed to amuse the people in court greatly. Neither solicitor could make anything of him, so I thought I would try my hand on him.

" Now, how did the accident happen ? " I asked sternly.

" Nay I doan't know. I was 'elping to put pony

back i' sharves. I doan't know how 'e got out. I think belly band broke."

"But you must know something about it."

"Na—ay," drawled the witness. "I worn't driving; Bill wor driving."

"Then if you remember nothing about it, were you drunk?"

"Me drunk?" asked the witness in pained surprise. "What, me drunk! Na-ay, I wor no more drunk nor your lordship."

There was a titter, promptly suppressed, but the witness stared blankly at the crowd without a twinkle in his eye.

"Well, what was Bill doing while you were putting the pony in?"

"Bill!" A long pause of thought. "Oh, Bill! 'E wor sittin i' 'edge looking on."

"Was Bill drunk?"

"What, Bill drunk? Na-ay, 'e wor no more drunk nor your lordship."

A second and more prolonged titter.

"Well, what was the other man doing?" I asked.

"Oh, you mean Jim. Let me see. Jim wor lying on 'is back in the road Some boys got 'old of 'im and began draggin' 'im by the 'eels round the common. 'E wor a bit drunk, 'e wor."

"Very drunk, I should say," commented the Court severely.

"Na-ay," dissented the witness with deep seriousness. "Na-ay, I doan't think so. It was sea air

that upset Jim. 'E'd been to Sheringham, and Jim 'e ain't used to sea air."

Everyone in court laughed loud at this excuse, except the witness and the Court, and of the two the witness was far the better actor at keeping an impassive face.

Many strange stories were told of Addison's predecessor, the late Judge Price, who seems to have been a second Crompton Hutton in his methods of administering justice. I got a vivid glimpse of his system at one of the courts I visited. It was held in a little country town in a big barn-like building. The judge robed in a caretaker's house. Then we formed a procession, the judge and the registrar being preceded by a policeman and a yellow dog, his property. It was rather like going to be hanged without a chaplain. We crossed a brick-paved yard and walked up the centre of a crowded building. A conjuror had been there the night before, and the judge sat on a daïs of packing cases covered with green baize. These keggled whenever the witnesses came up. The plaintiff stood on an auctioneer's rostrum, and the defendant sat on a common Windsor chair. Whenever a case was called on the Registrar got up and called out, "All witnesses leave the court." No one moved, and the policeman and the dog strolled round the building and selected witnesses. These he threw out with very little trouble, but it was an undignified proceeding, and wasted a lot of time. I could see that I should spend the rest of the day in the place, and probably miss

the last train if I did not move. So I sent for the Registrar, a worthy gentleman of the old school, and told him my views.

"I don't want all the witnesses out of court," I said.

"The late judge always had them out of court, your Honour."

"I dare say, but I don't think it's necessary, and it wastes time."

"Yes, your Honour, but the late judge always had the witnesses out of court," repeated the Registrar.

"Well, I must ask you not to order them out of court to-day. It takes a long time to get them out, and longer still to get them back again."

There was a note of contempt in the Registrar's voice as he replied, "The late judge never had the witnesses back, your Honour."

I felt that I was in the presence of a procedure invented by a judicial genius.

CHAPTER XI

THE COMPLEAT CITIZEN

Question. What is thy duty towards thy Neighbour?
Answer. My duty towards my Neighbour, is to love him as myself, and to do to all men, as I would they should do unto me.
A Catechism. "Book of Common Prayer."

UNTIL each of us faithfully fulfils the first clause of his duty to his neighbour it seems unlikely that we shall see in the flesh a manifestation of the compleat citizen. I prefer the old-fashioned phrase to the modern slang of super-citizen, but I take it the idea of our seventeenth-century fathers was much the same as ours, only they knew enough English to express it in their own tongue.

And one naturally goes back for a motto for citizenship to Dr. Nowel, sometime dean of the cathedral church of St. Paul, who, "like an honest Angler, made that good, plain, unperplexed Catechism which is printed with our good old Service-book." For, if anyone wished to study the evolution of citizenship in this country, he would, I think, for past history read the records of that ancient community of citizens that dwelt in the old days east of Temple Bar, though for the modern evidence of the continued existence of citizenship he would

have of necessity to journey towards the rugged north. For if there is one thing that stands out as typical of the north countryman of to-day, it is his pride of citizenship. Just as Paul boasted of Tarsus when he was away from his native Cilicia, so the Manchester man, away from Lancashire, the Leeds man far from Yorkshire, or the Newcastle man dreaming of his beloved Northumberland, can always remember that he too is a citizen of no mean city.

There is no widespread sense of citizenship in London. It exists sporadically, no doubt. The germs of it must be there, but the thing itself fell with the City walls, and passed away with the destruction of the last gate. No doubt it will grow and flourish anew, and perhaps the foundations even now are being laid on the south bank of the Thames opposite Westminster. But even in Doctor Johnson's day the thing itself was not. Lover of London as he was—and not even Boswell had a finer *gust* for the great city—you find him claiming for his beloved that she was pre-eminent in learning and science, and that she possessed the best shops in the world, but he does not assert these things with the pride of a citizen. No! London to the great man is a "heaven upon earth," and in those very words he negatives the idea of citizenship, for to be a citizen is to be a part proprietor, having a voice in the management of the concern and a responsibility for its industry and good behaviour. Citizenship means freedom and

the exercise of a franchise and the privileges belonging to a peculiar city. Pious visions of heaven give no hint of such things. And though London was and is all that Doctor Johnson claims, it is as much the property of the foreigner as of the denizen. Boswell had as great a share in it as his friend, and in truth neither had more than an equitable title to be called Londoner.

There is indeed no possibility of a citizen in London being in any real sense a compleat citizen. The pictures in his galleries, the trees and flowers in his parks, the statues in his streets, are not really his at all. In London if a new road is cut across the grass of the park a few murmurs may reach the ears of some remote official through the pages of the Press, but they cause him no uneasiness. Did such an affair awaken the indignation of the citizens of Manchester, meetings would be held, debates raised, and in the City Council the head of the official would be demanded by the malcontents, or at least a resolution moved to disallow his salary on the estimates. People who have not been citizens of any of the great towns of the North can have but little idea of the keen interest taken in municipal matters. In London day by day one scarcely reads a word in the Press of the great problems of civic administration which are so important to health and happiness. Gas and water are regarded with light-hearted contempt unless the services break down, when the simple Londoner engages in futile summer correspondence

dear to the heart of editors in want of copy. The gas and water and electricity, like the pictures and parks, are not his to manage. But the citizen of no mean city sees the great committees of his parliament fighting as to who shall serve him at least cost and at the same time make the noblest contributions towards the rates. When the New Zealander rediscovers this island and digs up the engineering works of our time to read papers about them to his historical society, he will find the great cities of the North bringing their water from the mountains of Cumberland and Wales, Manchester, Liverpool and Birmingham linked to Thirlmere, Vyrnwy and Rhayader; but he will have to peck about in the clay a long time before he finds any vestiges of the little troughs in which they store their water hereabouts. That Thirlmere scheme was, I think, typical of Manchester and north-country citizenship. There you had up against you the whole sentiment of the indolent holiday makers, the landed proprietors and the average man in the street who is of no city, headed by that honest prophet and champion of lost causes, John Ruskin. But citizenship was there, and citizenship won. And it is always to me one of the crosses of life that John Ruskin never had a good word for Manchester, though Manchester returned good for evil by gathering together, after he had gone, the most beautiful and thoughtful collection to illustrate his works and days. No one asserts that Manchester is the Good and the Beautiful exempli-

fied, but the author of "Fors Clavigera" ought to have seen a sense of beauty in a community manifesting itself in the perfection of outward and visible cleanliness, comfort and health, and a daily raising of the standard of living. The purity of life is higher in the great cities of the North than in many rural villages which look so peaceful and beautiful. Slum conditions are not unknown in the background of the garden of England, where life seems on the surface to be roses, roses, all the way. And the only antidote to all these evils that I can foresee is the growth of that spirit of citizenship which is of so little account in the South either in town or country, but which seems to be struck out of the very granite setts by the hoofs of the lurry horses when they haul the cotton bales along the Manchester streets.

And although I can only lay claim to have been a citizen by adoption, yet on one or two occasions I got whirled into the midst of a local fight, and as Yuba Bill would say, "waded in with the best." And it was one of the curious features of Manchester that, in the very shortest period, she finds a place for the foreigner and whistles him on to her deck, and there he is pulling the ropes and working the windlass like a native born. Yiddish, German, Greek, Albanian, Turk, Spaniard, Scot, Irish, and even the intractable Celt or Silurian from remote Wales may live in Manchester and even continue to speak their native tongues, but surely and by no means slowly, they are kneaded into the citizen

mass of municipal dough, and may even be chosen as plums for the pudding or be selected as that decorative sprig of civic glory which we stick at the top of the affair and worship for twelve months as My Lord Mayor.

And a merry encounter I had with the powers that be—it is deemed an honourable thing to set the shoulders of the Corporation on the ground in a fair bout—and I recall it with greater pleasure because it was the last time I appeared as an advocate. It was my last brief, as it were, and Cerberus-like I was the solicitor, the counsel and the client—three single gentlemen rolled into one —and what was more, I won my case. And it was not, as you may be thinking, a mere police-court affair, I had not been riding my bicycle on the footpath, my dog had not strayed round the corner in undress and met a policeman—why do dogs without collars meet policemen? a mad dog never does—nor had I been watering the garden in the summer when the Corporation annually arrange to be short of water. No; as a matter of fact, I was not the defendant. I was the prosecutor, and I was prosecuting the Corporation for conspiracy to annoy certain peaceful residents of Withington, including myself. And as in this comic-opera constitution of ours when a Corporation annoys you, you arraign them before themselves, it is something to have achieved to have prosecuted a Town Council successfully before themselves, and to have found a Town Council brave and honest enough

to convict themselves and promise not to do it again.

It arose in this way. When I found that I really was a Manchester citizen and was going to live there for ever and ever, as I hoped, I made up my mind to buy a home of my own, and I settled on a corner house at the back of Withington village, bounded on one side by a narrow street called Brunswick Road, and on the other by another narrow street called Burlington Road. They were paved by setts, as all the Manchester streets are, but even the setts had a peaceful old-world aspect, and so little traffic was there over them that the grass sprang up between them, just as the history books tell us it used to do all over England before the repeal of the Corn Laws. Beyond the house were fields with potatoes in them and ponds to slide on in the winter, and there was a little stream at the end of Heaton Road, whose presiding naïad collected old domestic china in parts and left them carelessly lying on her bed. Then there was that ideal school for children at Ladybarn House, with a playground to which you could stroll and watch really great cricket matches, and marvel at the self-detachment of a young lady of eight who could field long-stop and make a surreptitious daisy chain at the same time. Once a year, indeed, there was a large but orderly crowd at the annual athletic sports. One policeman kept it in excellent order. The sport was of a high class, and you could watch a future " blue," literally a three-year-old, romping

home in the kindergarten race, for which he had been laboriously trained by his elder sisters on a neighbouring lawn.

Of course, it was not to be expected that this sylvan retreat could remain for ever. The builder was bound to steal the fields from the potatoes. The North-Western Railway had obtained powers to make its way across to Parr's Wood, and bought out the cuckoos that they might not jeer at the engine-drivers and madden them to striking pitch with their call of the summer. But you cannot expect a cuckoo to keep faith, and only last year I heard them again from my bedroom window—and if you will be hospitable to birds, as Manchester folk can be, and make a feast of fat and cocoanut in the garden, I know no place where birds are more ready to return your call without ceremony. We had many generations of thrushes born in our little garden, and starlings, blackbirds, robins and tom-tits would build with us on occasion, and would drop in promiscuous-like all through the day.

Some who know the place of which I write, may think that there is a note of exaggeration in my description. I am ready to agree that at no time was the hinterland of Withington a mere fairyland of milk and honey and green pastures and still waters, but it had certain attributes of homeliness and peace and quiet that make me remember it with the gratitude due from one whose lines had fallen in pleasant places.

It was this retreat of hard-working citizens that

the Corporation sought to destroy without warning or consultation, and if it had not been that I found practically every resident of my own way of thinking and spoiling for a fight, I think they would have successfully ruined the district.

It was a summer morning, and a Sunday at that, when we woke up to the fact that the motor 'buses were careering along our narrow roads back and front of the house. They came hurtling over the setts at the rate of about six an hour, and as you heard them chirruping in the distance and screaming near to you and experienced the trail of stench they left along their way, and saw the pavements and side-walks splattered with mud, it was clear that if they had come to stay, those of us who could afford would have to go.

But why had the motor 'bus invaded us in this way? The answer was easily given. A company, the chairman of which was a powerful town councillor, had obtained licences to run 'buses along these side roads from Levenshulme to Stretford. They were to run by these back ways because the Council had trams on the main route, and did not want the company or competition of the 'buses. No doubt the end of August had been chosen to start the 'buses, because in a residential district like ours everyone was away for the holidays. I was just going off to Grasmere, and telling my solicitor to threaten the company with an action for nuisance, I fired a letter into the papers and went my way. To my delight I found that the whole neighbour-

hood was up in arms, and although I grudged the holiday time given up to it, I went into the fight with considerable gusto. There was the usual newspaper correspondence. We dilated on the amenities of Withington and pointed out that the only traffic really catered for was the Sunday *bonâ-fide* traveller, and asked why one lucky councillor should have these licences given him when the rest of such traffic was run by the Corporation for the ratepayers. The reply was made that we were a lot of selfish people—"carriage people" we were generally called—who lived luxurious days in glorious country, which we wished to keep to ourselves, and that this company of motor 'buses had been mainly formed in the interest of the working man, who desired to ruralise among us.

In the midst of all this clash of words we organised a petition, and the other side did the same. It was clear that we had the residents, who were nearly all of them workers in the city of various grades, entirely with us. We had a very strong case on these two points alone. First, that the type of 'bus used by the company was undesirable, and secondly, that the roads over which it ran were unsuitable. The other side had a strong case, in that temporary licences were already granted, and the Corporation were not likely to go back on a matter they had just decided. Further, the eminent councillor at the head of the company had many supporters in the Town Council, including the Lord Mayor, and Withington was a district recently added to

Manchester, and not much in touch as yet with Council affairs. Before we carried our petition to the Council, in clubs and places where they wager, the betting was three or four to one against us, but I am conceited enough to chronicle that after the hearing it dropped to evens.

I confess that it was so long since I had played the advocate that it was with some trepidation that I briefed myself to appear in my own interests at the hearing before the Hackney Coach Sub-Committee. A large number of residents went with me, and I stated my own case and theirs. I should like to report my speech at length. It was a beautiful speech. But the only phrase I remember was one in which I demolished the argument that we were a lot of selfish, stuck-up carriage people by confessing "that for my part the only carriage I had ever possessed was a double perambulator, and I thought most of my neighbours held the same record."

As a Manchester citizen I should have liked to have to chronicle a more speedy judgment, but historical accuracy compels me to say that Wilmslow, Levenshulme, Altrincham, and Urmston all took steps to protect the amenities of their roads before Manchester. It was not before October 8 that the committee refused to continue the licences. Still, we could boast that in six short weeks the residents of our little oasis had risen in rebellion against our rulers and governors and convinced them of the error of their ways.

A friend of mine on the Town Council used to

tease me a good deal about the beauties of the Withington District. He lived in lovely far off country himself, and had only visited Withington as a member of the Highways Committee.

"It seems an ordinary enough sort of place," he said.

"Let me remind you of what Wordsworth says," I replied.

> Minds that have nothing to confer
> Find little to perceive.

You can always obtain the just rude word to end a discussion from Wordsworth's poems or David's Psalms—David is perhaps a little heavy handed for these days.

I suppose it is because my forefathers lived on the marches that I cannot help enjoying a downright good fight. I know it is wicked to enjoy the angry scenes of a contest, but even the saintly John Henry Newman confesses on occasions to have had "his monkey up"—not a very fierce and vicious monkey, but sufficient of a monkey as a precedent for a poor pagan to refer to—and when you get a wilderness of monkeys up, as we did in the Battle of the Sites, then is there a scene for Homer's pen.

> As when a torrent from the hills, swoln with Saturnian showers,
> Falls on the fields, bears blasted oaks and withered rosin flowers
> . . . into the ocean's force.

So did every man, woman and child in the city get whirled into the contest and rush into

the flood, and get carried out of their depths and find themselves very much at sea. But it *was* a fight.

The Battle of the Sites was only a glorious incident in the thirty years' war that in Manchester had been steadily raging round the affair of the Royal Infirmary. And I am far from suggesting that the good individuals who were members of the Board of the Infirmary were any worse citizens than the rest of us. But such is human nature that the action of a board or committee is not the action of the individuals. A sort of lowest common moral denominator is found by consent of all, and that becomes the ruling quantity in the resultant action. When a good man makes a mistake he apologises and makes amends. Had any individual member of the Infirmary Board done some of the things that were done by him collectively, I have never doubted that when the wrong was pointed out he would have hastened to straighten things out. But a board or committee never apologises, neither does it pay the costs when judgment goes against it. Those come out of the estate.

And I wish I could believe the theory of Cardinal Newman, who solemnly tells us in his "Apologia": "Also, besides the hosts of evil spirits, I considered there was a middle race, *δαιμονια*, neither in heaven nor in hell; partially fallen, capricious, wayward; noble or crafty, benevolent or malicious, as the case might be. These beings gave a sort of inspiration or intelligence to races, nations, and classes of

men. Hence the action of bodies politic and associations, which is often so different from that of the individuals who compose them." It is a charming conceit, but if taken literally might lead to committees throwing all responsibilities for their delinquencies upon the little demons at their elbows. But I like to imagine and picture the scene of a board meeting with δαιμονια in attendance, painted in the manner of the younger Teniers, whose goblins, teasing the unhappy Dives, have cheered me since early boyhood. Certainly if there were any smaller devils taking part in Infirmary affairs, which seems a practical solution of many difficult problems, they were not wise devils—indeed, they were silly devils—and we did well to cast them out.

When the new Infirmary was building in the Oxford Road, I happened to meet Mr. Charles Hopkinson, who deserves so well of the citizens for his careful and devoted work on the Building Committee. He was admiring the rapidly rising building, and I told him that I did not see anything of those two pedestals in the front gardens.

"What two pedestals?" asked Hopkinson; "I never heard of any pedestals in the design."

"Certainly," I replied, "there were to be two pedestals for the two statues."

"I haven't a notion what you mean," answered Hopkinson, impatiently. "Whose statues?"

"Joseph Bell's and my own," I called back over my shoulder.

And although Hopkinson was quite right, and

these statues have not been placed there even yet, still it is only fitting that the great building on the Oxford Road should have had some memorial of Bell and myself, for without us there would have been no Royal Infirmary on the Oxford Road. A mediæval builder would have expressed in a series of sculptured capitals the whole history of the Battle of the Sites, and left satirical portraits of the old Board in gargoyles hanging over the guttering, whilst a statue of Joseph Bell would have adorned a spacious quadrangle, round the walls of which myself and the others of his committee were portrayed in brilliant mosaics. But your modern architect, who would be annoyed at being called a builder, never puts into his work any of the history of his building, but is quite content to erect adequate walls and roof and useful equipment and decorate the outside, much as a confectioner be-sugars a cake, to please the eye for the moment rather than with any intention of expressing ideas in his art. No doubt the Gothic days are over, and the Gothic spirit is dead, but Manchester has got what she wanted, an Infirmary building second to none in the kingdom.

I always intended to have a return match with the old Infirmary Board, because, although I won the first of the rubber, the loss of the game did not to my mind fall on the shoulders of those who ought to have borne it.

Early in 1893 a lady sought my advice through her solicitor. Her story was a very extraordinary

one. She had been a nurse at the Royal Infirmary since 1889. Her career was successful. She had been selected to attend on the late Oliver Heywood, and up to November of 1892 there had never been a word of complaint about her work or her conduct. A small-pox epidemic now broke out in Lymm, in Cheshire. Another nurse had been sent there and was ill—it was supposed, of small-pox. My client was sent there hurriedly to take her place. She found the so-called small-pox hospital to be two cottages converted into a temporary hospital, and her colleague was ill in bed, and was taken away. There was also a wife of a tramp dying of small-pox, and eight or ten patients. There was no water in the house. It is needless to repeat other unpleasant details of want of equipment. She stuck to her task for several days; she sat up with a delirious patient all night, and when the patient died she had to help the men bring in the coffin and screw down the lid, it being with much difficulty and only after bribes of whisky that they would come inside the cottages at all. After writing letters to the authorities in Manchester and asking the local doctor for help that did not come, she at length broke down in health and fled. Arrived at Monsall, she was nursed there for a week, and at the end of that time received her dismissal without notice, and was refused permission, though at the end of her probation, to pass her examinations.

Every effort was made to get the old Board to do justice to the lady and let her pass her examination,

but as no redress was to be obtained without litigation a writ was issued. Under her agreement the Infirmary Board had no right to send her to Lymm at all. The lady desired no damages against the charity, and, therefore, an action was brought for an order to compel the Board to allow her to take her examinations. Shee led me in the case, and Gully and Sutton were for the defendants—and I have no doubt told them exactly what they thought of them. Certainly it was with an air of great relief that Gully, at Mr. Justice Day's suggestion, threw up the defence and agreed that the lady should sit for her examination.

The nurse agreed to compromise on the understanding that the matter was left in the hands of the Medical Board, whose examination she successfully passed. The lady got justice, but the Infirmary Board did not, and I made up my mind that if I ever got the chance of a return match with them, they should not be let off so lightly again.

The Battle of the Sites had started years before I came to Manchester. The old Board had made up its mind to rebuild the Infirmary on the old site in the centre of the city; the majority of the citizens wished it to go to the present site at Stanley Grove, which was a gift of the Whitworth Trustees. Of the jealousies, squabbles, and troubles of all these years the less said the better.

The old Board, with Fabian genius, continually prevented any agreement with the University authorities, and brought any other plan than that

of rebuilding on the old site to a dilatory end. The older generations of great citizens who had fought the Board in the past—Thomas Ashton, Reuben Spencer, Henry Simon, and Dr. Leech—were no longer with us, and in 1902 the old Board thought this was a most excellent time to carry through their pet scheme. They actually prepared plans for the rebuilding, and called a meeting, believing that the opposition had died down.

The one man who defeated their plans was Joseph Bell. His interests in the commercial world have been too engrossing to allow him much time for political work, but from the way he handled the Infirmary question, I make sure he would be a big asset to any political party. At the first onslaught it did not appear that the old Board's opponents were very strong, but the meeting stood adjourned. I had never met Bell, but I received a note from him, asking for an interview, a letter of mine having been read at the first meeting. It was when I was reading his note that I remembered that, from a dramatic point of view, I had left the case between the nurse and the Infirmary Board unfinished.

Joseph Bell came to see me after Court with a bundle of papers, and, sitting down at my table, told me the whole story of the Infirmary Board and their doings on the site question from the earliest days. Two things were clear; one, that my visitor had a thorough and intimate knowledge of his subject, and, two, that he meant business. When

he had ended his statement he looked at me keenly and said: "Are you going to help?"

"What are you going to do?" I asked.

"We are going to clear out the old Board and build a new infirmary on the Stanley Grove site."

"You may put it there," I said, holding out my hand.

"Then the battle can proceed," said Joseph Bell, laughing.

And a very excellent fight it was. I should be sorry to have to read again all the letters that were written and speeches that were made. I remember I had to move the resolution against the old Board at the Memorial Hall and Lord Derby was in the chair. I certainly did not forget the nurse case when I told the members of the old Board that, "however great my temptations, I would not say anything worse of them than I knew they often said of themselves, namely, that they had left undone all they ought to have done, and had done all they ought not to have done, and there was no health in them." A sentiment I was glad to hear heartily cheered.

We won the resolution, we won the poll the friends of the old Board demanded, and then we had an election forced upon us. Joseph Bell's policy had been to form a Board by consent, and on his "ticket" he ran several members of the old Board who more or less favoured his views. He was absolutely master of the situation, and could, had he wished, have nominated his own Board. There were twenty-two members to be elected, and Bell's

committee put up twenty-one. The friends of the old Board did not understand Bell's good sense in taking over so many members of the old Board, and did their best to thwart any settlement by consent. An election took place, and certainly created more interest and feeling than any municipal election that I can remember. It was with some excitement that, coming out of Court on the afternoon of the counting, I bought a paper from a *Chronicle* boy, who was shouting out "Result of the Infirmary Poll." One of Bell's candidates had resigned at the last moment, and the other twenty were returned at the head of the poll.

As I read the successful names I felt a sense of relief. Something had been attempted and something done. That nurse case that had begun before Mr. Justice Day ten years ago was really finished.

But though the Battle of the Sites was over, the Battle of what to do with the old Site is not yet well begun, for having pulled down the old building, there is a very pretty quarrel going on as to what to put in its place. And I envy Joseph Bell sniffing the battle from the upper windows of Portland Street, where the stricken field—and it is a stricken field—lies at his doorstep. At the right time he, as a good Manchester citizen, will off with his coat and rush into the fray whilst I shall be idling here, with no right to heave even half a brick in the good cause. But whoever is on the other side, the stable money is on Joseph Bell.

CHAPTER XII

THAT REMINDS ME

FLUELLEN: It is not well done, mark you now, to take the tales out of my mouth, ere it is made and finished.
SHAKESPEARE: "King Henry V."

THAT reminds me that the little Welshman—and what race understands the rules of courtesy more truly—warns us against the ill manners of interrupting the story of our companion by our own incomparably wittier jest, until there has been a fair pause for the courtly reception of his somewhat antiquated tale, and then, I take it, good breeding compels us to pretend that out of the ashes of his dusty reminiscences our own admirable phœnix has sprung, and we begin our story with "That reminds me," not as a boast, but out of mere complaisance. But when one has only oneself to interrupt the course is smoother. Nor is it at all necessary that there should be any real sequence in the story-telling to justify the phrase. It is a well-known convention of the game that you may dash off into a story having no reference to the past conversation as long as you preface it with some lip-service to the pleasures of memory. For the story-telling habit comes down to us, no doubt

a commonplace pleasantry. He and Mr. Balfour were, indeed, an ill-assorted pair, but politics makes one acquainted with strange friends, and no one ever saw the least impatience exhibited by Mr. Balfour towards his adjutant. I never heard Chesters Thompson make a long oration, but I remember him once at the end of a meeting jumping up and delivering a panegyric on Mr. Balfour. At the close of its tawdry, fulsome, and sincere adulation, which Mr. Balfour bore like a hero, Chesters Thompson wound up by patting him endearingly on the shoulder with his heavy paw. "I luve Arthur James Balfour," he said, swaying heavily about with suppressed emotion, and throwing the whole weight of his devotion into the second syllable of the word Balfour, which he always accented thus. "I luve Arthur James Balfour," he continued, "and I tell you boys this, that should the day ever coom that it is necessary, I shall be there to place the body of Stephen Chesters Thompson between Arthur James Balfour and the dagger of the arsarsin." The cheers that rent the stuffy atmosphere of the hired schoolroom at this magnificent sentiment proved that in Ardwick, at least, poetry, romance, melodrama—call it what you will—was a living force, and that Chesters Thompson was its high priest.

With such a general and many lieutenants who modelled themselves on their leader, it is not to be wondered at that stories came round bearing the interpretation of ill-doing. The election was a very

keenly contested one. Professor Munro, who fought for the Liberals, put up an excellent fight, and was only beaten by 398 votes. In August it was announced that a petition had been lodged by the defeated candidate. Nothing personal was alleged against Mr. Balfour, but there were allegations of illegal practices, bribery, treating, and general corruption.

What was done between August and November to collect the necessary evidence I have no idea, but when the briefs were delivered it was very clear that it would be a difficult task to prove any of the allegations that had been made. It was on November 4 that the case came on before Justices Cave and Vaughan Williams. Murphy, Q.C., Lewis Coward, and myself were for the petitioner, and Finlay, Q.C., Danckwerts, the Hon. A. Lyttelton, and Lord Robert Cecil for Mr. Balfour. Murphy, who was far from well, addressed the Bench sitting down. We really had no case to open, and those who had been employed by Professor Munro to collect facts had, I fear, been carried away by their enthusiasm and belief in the general iniquity of their opponents, and had mistaken rumour and hearsay for evidence. It was a lamentable position for counsel to be in, but Murphy—if one can predicate such movements about so genial a man-mountain as Murphy—skilfully danced among a labyrinth of eggs with as much certainty and decision as if he were upon a clear stage.

He spent quite a long time over the various

matters about which he might or might not satisfy the Court, and then he paused and said there was one specific case of bribery which, if the witness was believed by the Court, would invalidate the election. The name of the witness was John Francis Green. Murphy himself had never believed in the fellow, but he agreed that if when we saw John Francis Green he turned out to be a witness of truth, then the petition was well founded.

The mystery of John Francis Green is like the problem of the " dark lady " in the Sonnets. Some will believe one thing about it and some another. The Court refused to believe him at all, and it may be that he was merely a romancer and a liar. On the other hand, his story may have been partly built up from facts relating not necessarily to this election, but to some municipal or other contest. Certainly it was an extraordinary story for a man to invent at the risk of being found guilty of perjury, and with the necessity of giving up his business in Ardwick. True, he was to receive £200, but only if he gave truthful evidence, a not unreasonable arrangement, as Ardwick would not have held him if the result of his evidence had been to invalidate the election.

The first day's evidence was devoted to one case after another that more or less broke down and could not be proved. Then we received news that John Francis Green had disappeared. He had been ill for some days, and we adjourned without knowing whether he would turn up or not. The next day he did turn up, a miserable figure muffled up to the chin

and looking wretchedly ill. Some said his illness was mere funk at having to tell his false story in the witness-box, but there was even then opportunity to go back and speak the truth. However, he told his story on oath exactly as he had given it to Professor Munro's supporters.

He was a barber in Ardwick, and had many times shaved Mr. Chesters Thompson. He said that one of Mr. Balfour's supporters often came to his shop and talked to him, and on one occasion gave him £15 and a letter of instructions, and later on a man he did not know, but who said he was an election agent, had given him £7. This money Green was to hand over to people who presented him tickets, and these tickets he described in great detail. There were several names on them, and some had sealing-wax and a ribbon attached to them. After the election some of the tickets and incriminating letters which remained with him were, according to Green's statement, kept by him in a box, and towards the end of October his house was broken into and the box stolen. That in itself was enough to make one disbelieve his story, but when it was found that he could not identify any one of Mr. Balfour's supporters as the election agent, it was clear that in the absence of corroboration his evidence must be dismissed as useless.

Mr. Murphy now took the only course open to him, and said he could not usefully continue the petition. Mr. Maltby, Mr. Balfour's agent, Mr. Chesters Thompson, and others went into the witness-box

and formally denied all knowledge of Green and his extraordinary story. The Court adjourned until the afternoon to deliver judgment, and I took Murphy up to the Brasenose Club.

It was about noon, the club was empty, and Murphy reclined on a sofa, and disappeared behind the *Times*. Very soon the paper boys began to yell out "Kerlapse of the Pertition!" "Kerlapse of the Pertition!" I knew I should have to stand much chaff and friendly abuse over the petition, as in all clubs where there are no politics eighty per cent. of the members were Tory, and it is only the remainder who must not indulge in political discussion. And sure enough, in rushed Freemantle, the musical critic, waving a paper and calling out to me, "Here's nice work! Here's a disgraceful affair to be connected with! Apart from politics altogether, did you ever read of such a wicked and abominable conspiracy to destroy a political opponent? Of course, I know you have had nothing to do with it, but I should just like to be face to face with the ruffian who put this wretched case forward!"

"You shall," I said, and pulling down the *Times* I disclosed my learned leader and introduced him to Freemantle. "Mr. Murphy—Mr. Freemantle." As I strolled away I felt Murphy was shaking with gentle laughter to a running accompaniment of Freemantle's explanations and apologies.

We went back to the Court, and our case was dismissed with ignominy and costs. Freemantle, indeed, had not said a word too much about it. I

was very sorry for Professor Munro, for he was a sincere and keen worker for the Liberal party, and those who advised with him in the early stages of the petition had grievously misled him ; no one supposes the election was conducted without errors, but things on the other side were not as black as the Liberals imagined.

Certainly no word was ever spoken or thought by the most ardent Radical against Mr. Balfour, the nominal defendant. His popularity in Manchester remained and still remains undiminished. No one in the political world was better loved than Mr. Balfour by all sorts and conditions of Manchester men. Even to the very last those who had always voted against him voted with regret, for they felt they were parting with the first gentleman in English politics. As an Ardwick man said in defence of himself and some of his friends, " Nay, mon, it's not Arthur James Balfour we're tired of—it's his politics."

And that reminds me—not directly, I agree, but I will not waste another page in tracing out the connection—that reminds me of the story of " The Good Man and the Manilla Bills." A certain principal brought an action against a firm of very respected merchants. The merchants had acted in large concerns as his agents. They had shipped goods for him for many years to foreign parts and had had complicated financial dealings with him. He now asserted that for years the merchants had been defrauding him, and asked for all the accounts to be opened between them and taken afresh. This

was, of course, a very serious charge indeed, and when the case came before the Chancery Court the sole representative of the firm of merchants was the Good Man, who I am happy to relate is still with us.

It is not for a common law man like myself to criticise the ways of a Palatine Chancery Court. Astbury was my leader, and I was only one of the team of three who defended the Good Man. Why I was there I never rightly understood, but I think I was there to sympathise with the Good Man in his trouble while Astbury and his eminent solicitor, the cashier and an eminent and chartered accountant played hide and seek among the ledgers. Technically, perhaps, I was taken into the case to cross-examine, but I don't remember doing it. These Chancery fellows love doing it, and as the men on the other side were Chancery men, and as no one knew anything about the law of evidence—least of all the Court—what did it matter? The case lasted forty odd days. That was to the credit of Chancery procedure. The leaders arranged each day how far they should go, and the Court was only too glad to rise when told that "this" was a convenient moment, as they were now coming to the Manilla bills. And that reminds me that it is time I came to the Manilla bills. They were a nightmare to Astbury, the eminent solicitor, the cashier and the eminent and chartered accountant. I do not know that they affected my sleep, but I gathered they were the weak point in our case and were probably going to ruin the Good Man, and that made me very

sorry. For the worry about the Manilla bills was that in some mysterious monetary manner, in passing through banks and ledgers and other financial filters, it had so panned out that a quarter—or was it an eighth?—per cent. that belonged undoubtedly to the plaintiff, remained in the coffers of the Good Man. It was the most complicated affair, but there it was. The fact must be found against us, and then as the Good Man was an agent dealing with the monies of his principal, would not the Court take the view that this was fraud, and order the whole account to be re-opened? The more we talked over this the more exasperating it became. The cashier, who had found the system in the office when he came there, was rather proud of it, and blankly refused to believe there was anything wrong about it. The Good Man smilingly gave us sixteen different explanations of the matter, which Astbury rejected with a scorn that caused the eminent solicitor to grow visibly older. Astbury insisted in his clear logical way on a clear logical defence of our treatment of the Manilla bills. The difficulty was there wasn't one. Even if we could have invented a theoretical one the Good Man would have given it away honestly and simply the first time he was asked. So there we were with the Manilla bills ahead of us and within a day or two of the time when we had to put our Good Man in the box to explain his dealings with them.

"Well!" said Astbury in despair, "I shall have to lead him through the best explanation we have got."

" In the Palatine Court that is always possible," I answered; " but isn't it fatal? "

Astbury groaned.

" Why not let him give all the sixteen explanations? " I suggested carelessly. " He would love to do it."

Astbury and the eminent solicitor looked annoyed at my flippancy.

However, as it turned out, Providence had a task for me in that case after all, for the Good Man came to me and told me that he was so frightened of Astbury that he would really like me to examine him.

" I never seem to say what they want me to," he said, naïvely.

And in the end, it being clear that no form of examination of the witness could make the Manilla bill business any better or worse, the Good Man had his own way, and he and I collaborated in the matter. We had a rehearsal. It went like this. I asked the Good Man, " What about the Manilla bills; tell me all about them? "

The Good Man started off—I remember I smoked two cigars of say five and seven-eighths during his answer. It was then, I think, that he added the seventeenth explanation, less convincing than the others. I timed him. He was a rapid speaker, and then I worked it out in folios—I felt sure the drama of it was right, and I determined we would play it out in our own simple way. I fancy the saner spirits among us washed their hands of the

enterprise altogether, but even in a Chancery Court a good comedy well played is irresistible. And the Good Man was really an excellent witness. My part was not a speaking one. I merely slipped him from the leash, so to speak, and away he went.

I remember the indignant tones in which he swept aside the suggestion of fraud and started out to victory. The shorthand writers toiled after him, panting and breathless. It was like a fine course at Altcar, run with vigour and mettle. At the end of the first explanation he paused, though only for a second, and I could see our opponents pitying us—but he was off again, heading to the opposite bank, and the reporters after him with dismay in their faces—and our opponents were laughing at his contradictions. But not for long. One after another came the various possible explanations, always prefaced by a kindly smiling desire to say all he knew and keep nothing back that could be told. At one moment the Vice-Chancellor asked him to repeat one of the theories of the finance of the matter. He did so. The Vice-Chancellor said he really could not understand it, so the Good Man repeated it again, and three pages were added to the shorthand note. I reckoned before we had finished that the Good Man had spoken about forty pages of shorthand notes, and in cross-examination the other side added another twenty, and an eighteenth new explanation of the Manilla bills, which may perhaps have been only a variant of the eleventh. But the case was won. The Vice-Chancellor had heard

the Good Man speak the truth, the w ole truth, and nothing but the truth, and knew that he was honest. It was a triumph of drama over law, and it was the Good Man's own victory.

At the hearing in the Court of Appeal, the shorthand note was read and commented upon for several days, and the Manilla bills reduced the Court to a state of bewildered amazement. They knew the rights and wrongs of the subject, for those were elementary, but they could not understand the Good Man's evidence. Like the average manager who reads a play in manuscript, they could not appreciate the drama of it. And then A. L. Smith —so like him—said "Let's have a look at him." And he gave a second show of the Manilla bills in the Court of Appeal. I was a judge then, but when I heard they had sent for the Good Man to give evidence I knew all was well. For as soon as he came into the presence of the Master of the Rolls the case was over. If there was one man on the bench who knew an honest man when he saw him it was A. L.

And that reminds me—quite naturally, for A. L. was a sportsman—and it was a story of the moors he told me that reminded me of this story which I once told him—that reminds me of the story of "The Solicitor and the Ambiguous Grouse." It is really Louis Aitken's story. Would that he were with us to claim it; but it enables me as a humble story-teller to take off my hat to him and his story as I hand it on to others.

We had gone up to a remote County Court among

the Yorkshire moors to thrash out a small building dispute. The solicitor who instructed me was an old friend of Aitken, and they had often shot together here and elsewhere. During the conduct of the case it became necessary for me to prove a certain document the writer of which was not present.

"I have no doubt my friend will admit this," I said.

"Not a bit of it," said Aitken, looking very firm. "I shall want it proved strictly."

I leaned over to talk to my solicitor about the impasse, when Aitken continued in a bullying tone, "There is no difficulty in proving the document. Your solicitor can prove it, you know," and then with great emphasis, "if he dares to go into the box—if he dares to go into the box!"

"Really, Mr. Aitken," said the judge deprecatingly.

"I have my reasons, your Honour—I have my reasons," replied Aitken, shaking his head solemnly.

By this time the solicitor was in the box and had taken the oath and shortly proved the document, and Aitken arose with a great show of serious emotion to cross-examine the witness.

"Do you remember the 24th of August, 1889?" he asked.

"I do," replied the witness with a faint smile.

"This is no joking matter, sir. Attend to me. I think you and I were shooting on your moor on that day."

"We were."

" What on earth has this got to do with the case, Mr. Aitken ? " asked the learned judge, putting down his pen.

" Your Honour will see in a moment that it is most material," replied Aitken unabashed. " Now, sir, remember you are on your oath, and answer me this question without prevarication. Whose bird was it ? "

" Well, really——" began the solicitor.

" Whose bird was it, sir ? " shouted Aitken.

" Well, I believe it was yours, Mr. Aitken."

" Ha ! " cried Aitken, triumphantly, and, bowing to the learned judge, who was shaking with laughter, he added, with impressive humility, " I trust that, looking to the satisfactory nature of the witness's admission, your Honour will not think I was wasting the time of the Court in insisting on the strict proof of the document."

And I suppose it is Louis Aitken who reminds me of the Northern Circuit, and I never think of the circuit without remembering one of the best friends of all of us, till happily of our number, McCall, K.C. —and he reminds me of the eminent butcher. There may be some who have not heard the story of " The Irishman and the Dishonest Backer." It is worth relating, I think, as an example of the strange attitude of mind existing in the unrighteous about the administration of the law.

There was a well-known butcher in our neighbourhood, a great character, and a regular frequenter of race meetings. He had had a wager with a book-

maker named Kelly, and the horse winning had drawn £200 from the bookmaker. Kelly had reminded him at the time that the bet was not a ready-money bet, but the butcher said he wanted the money, and, the two being friends, had got it. An objection was afterwards lodged and the winner was disqualified. Then Kelly wanted his money back. The butcher declared the bet was "first past the post," which it certainly was not, and Kelly brought his action. The case was brought to me to settle the defence. Of course, to plead the Gaming Act was to win the case, and that was done. At the assizes McCall was briefed to lead me, and the butcher came to a consultation and tried to persuade McCall to put him in the witness-box and let him tell his story about the bet. McCall, with his best and most rasping north of Ireland accent, told his client in so many words what he thought of him and his story, and sent him away to reflect on some serious home truths. I met the butcher disconsolate in the corridor waiting for his case to come on. He stopped me, and, pulling an imaginary forelock in his simple bucolic way, said in a melancholy voice, "Mr. Porry, I thowt as 'ow you 'ad this 'ere case o' mine in 'and."

"So I have," I said.

"Well, wot do we want wi' this 'ere Macoll or Macaul or whatever yer call 'im. Wot's 'e for?"

I explained that in important cases the idea was to have a leader, just as in the butchering business

you had a foreman. The butcher sniffed uneasily through my explanation.

"Well, Mr. Porry," he said at the end of it, "would yer mind telling me one thing?"

"What is it?" I asked.

"Is this 'ere Macoll or Macaul an Irishman?"

"Yes, I should say he is," I replied.

"Aye, I thowt as much," he said, shaking his head despairingly. "And you mark my words, Mr. Porry, it will be a —— cross between them two. Thet Kelly, the plaintiff, 'e's an Irishman, too."

I chuckled and did not deny the possibility. It was amusing to watch my client listen to McCall, and note his intense relief when he found that the Gaming Act really worked as he had been told it would, even in the hands of an Irishman.

And talking of Irishmen reminds me of the story of "The Arabian and the Merchant," which from its remoteness from the every-day affairs of the circuit is almost as one of Scheherazadé's own delightful tales. I can fancy Schariar would have ordered just such a machine himself as was the *casus belli* in this case. For the dispute was over a piece of machinery which a firm of Manchester merchants had sold to a potentate called the Malektjar of Bushire. The machine was ordered to be made to grind corn, bottle soda-water, and make ices, and when it left this country the evidence was that it could do all these things. In Persia it was carried in pieces up country with an engineer, who put it together and set it in motion. The local holy men of

Bushire, honestly believing that the machine was some kind of Nonconformist demon, and a danger to the national religion, roused up the populace to pelt it with sand and murder its acolyte, the engineer. The latter escaped with his life, but the machine came to a standstill.

The Arabian who had introduced the business to the merchants now quarrelled with them over the incidence of the loss. The case was full of detail, and drifted slowly along to a settlement. During its progress some eminent Persians visited the Mayor of Manchester, and we got an order to examine them on commission about the machine which, it was alleged, they had seen. This took place before the Registrar of the High Court. Two gorgeous Easterns with a suite of attendants and an interpreter duly arrived, and it took fully an hour to get them sworn. The potentates desired to kiss the tail of a sacred cow. The Registrar held that it was not his business to keep one in the King Street office, and counsel indulged in a learned argument as to whose duty it was. Ultimately the witnesses saluted a Reference Library translation of the Koran, and with doubt and hesitation and not without prejudice gave evidence through the interpreter. The evidence of the first was, "I have never seen the machine. I have heard it is a false god. They light fires before it, and it waves its arms."

Further testimony was successfully objected to as hearsay. The second was more knowledgeable. "I have seen the machine. It is no god at all.

True it is they light fires before it, but it does not wave its arms, it lies still." On cross-examination the witness said he had seen the machine many times, and "it grew red with years." A long examination failed to elicit from the interpreter whether this was rust, and after much courtesy and salaams the witnesses left, hugely pleased with themselves and their adventure. Soon afterwards briefs were delivered and the assizes came along, and peace was made between the Arabian and the merchant with honour, and, if I remember rightly, each party paid their own costs and lived happily ever afterwards. And, talking of briefs, that reminds me of the story of "The Welsh Rector and the Presbyterian Poacher"—but I forgot. I told you that one in "Judgment's in Vacation."

CHAPTER XIII

THE PEARK

'Tis with our judgments as our watches ; none
Go just alike, but each believes his own.

POPE : " Essay on Criticism."

SHEE said a witty thing to Lord Coleridge, who was puzzled with the Lancashire dialect. A witness, in describing a verbal encounter, said, " Then the defendant turned round and said if 'e didn't 'owld 'is noise 'e d knock 'im off 'is peark."

" Peark ? Mr. Shee, what is meant by peark ?" asked the Lord Chief Justice.

" Oh, peark, my lord, is any position where a man elevates himself above his fellows—for instance, a bench, my lord."

As a matter of fact, the witness placed an adjective before the word " peark." But do not let us bring the blush of shame to the cheek of modesty. There is no cheek like the cheek of modesty.

I am reminded of that story by remembering that it is more than eighteen years since I was elevated on to my " peark " in Quay Street, Manchester. It was rather a curious position for me to attain, and a fortnight before I was appointed I had not the least idea of applying for the post, and never dreamed

that I should get it if I did. I had been very fortunate in my practice, and had, if anything, too much to do; and I confess that working at high pressure by night as well as by day not only had no charms for me, but injured my health. The amount of travelling one did was a great strain on the nerves. I recollect in four consecutive days doing cases at Fleetwood, at Hull, at London, and then at Manchester. One wanted to be as strong as the proverbial horse to get through the work without a breakdown. About ten days before Whitsuntide, I was in a case in town in the Court of Appeal, and I happened to meet a well-known Lancashire member, who began discussing with me the resignation of Judge Heywood and the chances of the various candidates for his place. None of them seemed entirely to his liking, and he suddenly suggested that I should ask for it. So little did I know of the matter that I thought it was a condition precedent to the office that a barrister should be of ten years' standing, and to make sure about this we went across to my friend's chambers in the Temple and looked the matter up. It turned out to be seven years and thus made me eligible.

Travelling home, the idea of regular hours of work and equally regular hours of leisure seemed to possess my mind, and I could think of nothing else. One would have to make sacrifices, no doubt, but the credit side of the imaginary balance-sheet seemed far heavier than the debit. So it was that, after some domestic debate, I wrote to the Right

Honourable James Bryce, who was then Chancellor of the Duchy of Lancaster, and told him that if he wished to appoint me as judge of the County Court, I was at his disposal. The only person I mentioned it to was my old friend Byrne, because I knew he was making application himself. The Whitsuntide holidays came along, and we went to Seascale, in Cumberland, and I heard nothing about the appointment for more than a week. One Monday morning we were having breakfast at our hotel when my friend Charles Hughes, who was staying in the village, came in flourishing a morning paper, and saying, with mock reverence, "Good morning, your Honour." When we opened our letters there was a kind note from Mr. Bryce, appointing me to the judgeship. It had reached Manchester on Saturday, but Seascale in those days had no Sunday post. That was, I believe, very nearly Mr. Bryce's last official act as Chancellor of the Duchy. As Louis Aitken—that genial companion who disguised his wit and learning in an obtrusive Lancashire accent and a downright utterance of homely truths—declared the first time he met me in Manchester: "Another appointment of that kind would have ruined any Government." So they took Mr. Bryce away from the Duchy and made him President of the Board of Trade.

I cannot say that I altogether enjoyed the change during the first twelve months of my judgeship. In the first place, I had a serious and not unexpected breakdown in health, and, secondly, I had the great

misfortune to lose Mr. Registrar Lister, whose long experience of the Court and its working was invaluable. I found, too, that judicial work is a very lonely business. From the moment of entering the side door in Byrom Street to the time one got out again one became an unpleasant official person. People " addressed " you instead of talking to you, and with unblushing sycophancy pretended that they believed you to possess a cyclopædic knowledge of the law. How many times have I been told that legal cases were " within your Honour's recollection," or " your Honour will no doubt be thinking of the case of ' Jones *v.* Smith '," when counsel were well aware that it was long odds against the Court having in mind any case whatever.

There are, of course, many advantages about a " peark " like a County Court, but the main difference between it and my former work at the Bar was that one was an unfriendly, solitary job, whilst the whole spirit of the other was genial and sociable. However, I made one rule that was a great joy to me. It became a penal offence to send any paper, book, or document of, or connected with, the Court to my house. At last I was able to keep my work outside my home, and when I did get out of my cage and turn my head up Peter Street, I at least knew I was a free man until to-morrow morning. But if judicial work tends to make one morose, the good-fellowship that abounds in Manchester more than corrected the tendency. I have heard judges say that it is a mistake to live in the district in which

they work, but I confess I do not agree. During my seventeen years in Manchester I went about in clubs and to social gatherings of every kind, and I never remember being spoken to about a case or heard a case discussed in my presence. The sense and courtesy of all classes in Manchester made life very pleasant when working hours were over.

One thoughtless request I do remember, which had an amusing sequel. A friend of mine coming down in the train—we will call him Robinson—shouted across the carriage that he was summoned for to-morrow as a juryman, and as it was his mail day he wanted to be let off. I at once reprimanded him, and told him he would certainly be fined five pounds if he stayed away. The next day I called for the jury list and found "Robinson" at the bottom of the column. Taking a pencil I transferred him to the top, and when the list was called "John Robinson" came first, and I made him a most formal bow as the policeman led him into the box. As luck would have it, the case he was on lasted until 7 o'clock at night, so his mail day had to go on without him. The next morning in the train I explained to him the disadvantages of asking favours of high-souled and upright judges, and he agreed that it was not a wise thing to do. But he consoled himself, he said, in two ways: "I had a very entertaining day, and, being away from the office, I saved several hundred pounds by not buying on what turned out to be a falling market."

After the first few years we never had any jury

cases, and for myself I think juries in the County Court are generally a mistake. There is too little time, and too many cases to try in the time, to deal with a jury case at proper length. I do not think I can fairly claim to be a great judge, but I do flatter myself that I am an uncommon common jury. And from a County Court point of view that is an asset. It requires some dramatic instinct to take by intuition the same view of facts that eight tradesmen would take if they had heard the same evidence. To approach a subject full of a prejudice you have not got, but which, as a jury, you ought to have, and gradually by listening to your own judicial remonstrances to lay down the cherished prejudice you never really had, and still to let a little of it appear in the final sum you award—that, I take it, is an attitude of mind not to be achieved without serious study. I think it may have been because I had more sympathy with the facts of life than with the legal aspect of affairs that Louis Aitken used to say in my praise, " that a common judge was quite as good a tribunal as a common jury."

The work of the Manchester County Court was divided into days for the poor people's cases and days for the heavier work, which were printed in black and red on the calendars. This convenient system is at last finding its way into other places. I took a great deal of interest in the black-letter days, as they were called, for the smaller work, though trifling in amount, was often not trifling in the proportion of the amount to the weekly wage of the

litigants. If I have learned any lesson in the many days I have spent listening to the short and simple annals of the back street, it is that the law of imprisonment for debt bears very harshly on the working class. In season and out of season I have preached the injustice and inequality of the law in this matter, and we have had commissions and inquiries sufficient to reorganise the whole legal system of the State, but out of this groaning mountain not so much as a statutory mouse has yet proceeded. I should like to be still on my "peark" when the list of the day is called over without a single judgment summons in it.

And I am not one of those who, because he is a magisterial or judicial person, thinks his mouth is closed as a citizen from reporting the evil things by which he is surrounded. It is true one can report them as one does to one's pastors and masters in Royal Commissions and elsewhere, but these high ones of the earth are too engrossed in greater affairs to attend to such a small matter as the sending to gaol of some eight or more thousand of the thriftless and shiftless of their fellow-countrymen. And one has the great army of the lower middle-class shopkeepers, who think it is to their advantage to give credit where there is no credit, and they are right up against reform; and behind them stand the wholesale traders who sell to the little shopkeepers, but have the sense themselves to see that they get their money regularly on the second Tuesday of the next month. And I suppose those of us who are interested in this

matter will go on uttering ineffectively our protests in evidence before commissions and in reviews and magazines and occasional addresses to students of social science until at last a public opinion is formed strong enough to be heard in the lobbies at Westminster.

I have often wondered how many tons of waste-paper filter through the waste-paper basket and solidify into one grain of public opinion. But it is better so than that some tragedy should happen, some death in gaol or some horrid act of violence which would startle the comfortable classes into a recognition of the injustice of the system. However good and necessary a reform may be, it is probably not much use having it before the large majority of citizens are really ready for it. The working classes could abolish imprisonment for debt at once, but some of their number think it enables credit to be obtained in times of labour disputes, and are listless about it; the middle classes think that any form of compulsion to make the working classes pay for the goods they sell to them is a just and righteous thing; whilst as for the upper classes, the few I have come in contact with seem to think that imprisonment for debt, don't you know, was abolished, and that when a fellow was really "stony" —I think I have the phrase right—he went bankrupt, don't you know, and started afresh. And that, indeed, is a true statement of the different way in which the English law treats the affairs of debtors, according to whether they be rich or poor—for the poor man has no effective bankruptcy law.

And another thing that seems to me to bear very hardly on the workers, and makes it increasingly difficult for them to keep out of debt, is the heavy proportion of their income that goes in rent. If a man with £1,000 a year spent two hundred or two hundred and fifty in rent he would be regarded as extravagant. But that is what a working man has to do out of his slender income before he can find food and clothing for his wife and family. And the curious affair is that wherever you go, whether it be Manchester, Salford, Lambeth or Dartford, the problem seems to remain the same. Where, as in London, wages are rather better, rent is very much higher, as though in some weird economic way the fact that a man earns more money in London than he does in Manchester at the same trade entitles his landlord to a higher rent for even worse accommodation. And how this is going to be remedied is for those professors of social economics who have studied the question to say, but one who has discussed with many thousands of poor folk their ways and means, and the burdens of their life, may at least point out what seems to be the fact, that in increasing the wage of a man, you do not make him necessarily a citizen with a better chance in life unless you can manage to stop the automatic increase of his rent. For the landlord, like the daughter of the horse-leech, on hearing of a rise in wages, cries, "Give! Give!" and there is nothing for it but to obey.

And another thing which is constantly before my

mind in the work of the County Court is that, like all institutions that were intended in the first instance for the service of the poor, the County Courts have gradually interested themselves in the affairs of better-class people, and to some extent their earlier clients are being edged out. Of course, that is the history of many English institutions, and one must suppose that to some extent it is a natural evolution, and accept it as such. Pious Bishop Ridley was a suitor to Sir William Cecil " in our Master Christ's cause " to grant him the Palace of Bridewell, " that he might therein house the naked and hungry that starved in the London streets." This noble charity by natural evolution degenerated into one of the most degraded and brutal of prisons, as Hogarth has reminded us forever in one of his prints in " The Harlot's Progress." In the same way, if you read the early histories of many colleges and schools and charities, you will find that the pious founders had in their minds the advancement and interests of the poorer classes, but to-day the benefits of these institutions are almost entirely in the hands of the middle and upper classes. I daresay they make better use of them, and that it is all to the good that it should be so, but one cannot shut one's eyes to the fact that something of this sort has been the general history of our attempts to equip the poor with social institutions for their benefit.

And although I am not against the making of the County Court a valuable district court for the settlement of disputes of importance, I cannot help

thinking that something might be done to make the courts of greater value to the poor. As at present, apart from the debt-collecting about which I have said my say, the Court is mainly used by the poor to settle very small and domestic quarrels. But so swollen have the rules and orders and forms of the Court grown, so intricate are its ways, that for an uneducated man to find his correct path among its mazes without a legal guide would be impossible. No doubt the Registrar and his clerks give every assistance in their power. Certainly the poor man who wants to maintain trover for a wheelbarrow cannot be expected to spend twenty-five shillings on a "County Court Practice" and read its thousand pages in search of the answer to the riddle of procedure that the law has set him. Yet unless he employs a solicitor or casts his cares on the overburdened chief clerk to the Registrar, I suppose that is what the State expects him to do.

The County Court as a tribunal for doing justice between poor disputants is an ill-equipped machine, and, without doubt, if these poorer cases were tried by the judge on strict legal lines, and if he merely listened to the plaintiff and heard such portions of his and his friends' wandering narratives as came within the rules of evidence, the almost universal result would be to non-suit the plaintiff on the ground that he proved no case. But in practice this does not happen. The wind is tempered to the shorn lamb. The judge puts his legal telescope to his blind eye. He listens to

everything and everybody and both sides speaking at once. He takes a hand at the game himself with such worldly knowledge of the man in the street as he happens to possess, and in the end gropes his way through a mass of prejudice and hearsay and hatred, malice and all uncharitableness, and conveniently forgets that no one has complied with this section of a statute or that rule or that order, and business of a kind is done.

But it would be far more satisfactory if the affairs of smaller people were not litigated, or at all events not litigated until an effort had been made to bring the parties together and get them to agree to a compromise. For think of the cost of much of this small litigation and what it may mean to a working man, and how much ill-feeling as well as hard-earned money would be saved if the parties could be brought together in some Courts of Conciliation or Reconcilement, and were not permitted to go to law until, as a condition precedent, they had been before the County Court judge and satisfied him that there was no chance of a settlement, and he marked their papers "fit" for litigation.

And though many will think this a revolutionary movement, yet in truth it is nothing of the sort. For the idea is as old as the hills—and Paul thought it a disgrace, even to the Corinthians—who were no great class, as I gather—for brother to go to law with brother. What he would have written to Lancashire about the spectacle of three or four brothers and sisters wrangling in the County Court as to who

should pay for their father's funeral tea—the sensible old man having died penniless—I scarce like to think. Luckily Paul wrote no Epistles to the Lancastrians. For when passions are roused, family feuds are fought with a bitterness that few can understand whose duty has not forced them to witness the wretchedness of it. And the day of awakening comes with the taxation of costs and a sense that all that has been done has been to give way to an orgy of unholiness in a public place and make a great hole in savings laboriously acquired.

But apart from the uncharitable nature of many law-suits let me set down the actual facts of one of the every-day cases which bring debt and ruin upon a home. A man had a dog which bit the child of a neighbour. The child was not greatly injured, but there was a small doctor's bill to pay and a certain amount of anxiety on behalf of the parents. These people chose solicitors. After a lengthy correspondence a claim was brought for £25 by the parents of the child. Counsel were engaged. Doctors gave evidence on either side. Ultimately the case went against the plaintiff, on the ground that he could not prove *scienter*, that is to say, that he did not satisfy the Court that the defendant knew that his dog had previously bitten someone else.

Now one need not blame the lawyers. If each party believed in his own case and wanted to fight, the lawyers only did their duty according to the system under which they work. The result was disastrous. Each party was ordered to pay his own costs,

which worked out at something over £15 apiece. In any case, as I remember it, the plaintiff could only have recovered a few pounds, for the damage was but small.

Now Paul's idea, and a valuable one, was summed up in the question "Is it so that there cannot be found among you one wise man who shall be able to decide between his brethren?" Only I think he overlooked the natural distrust that the average man has of a lay arbitrator. I do not think it would be reasonable to expect two members of a Welsh chapel, for instance, to leave their dispute to a deacon. The deacon knows too much of their inner life to start with, and would be bound to be suspected of partiality in his judgment. Paul's idea of a Lay Court of Conciliation or Reconcilement was not practical politics in a work-a-day world. But when Brougham took up the idea and tried to get the House of Lords to help him put it into a business shape, one wonders that he got no assistance for so excellent a scheme. His plan was to make use of existing judges as conciliators, and the result of the combined teachings of the Saint and the Lord Chancellor seems to be that what you want is a sensible conciliator who shall also be a State official.

For in the dog-bite affair recorded above—supposing that there had been a Conciliation Court to which the plaintiff could have summoned the defendant, and both parties had appeared before the judge to talk it over—a little discussion might, one would think, have brought the parties to under-

stand that the payment of the doctor's bill or some such course was a fair thing to do, and that pressing vague claims of damage could result in no useful purpose. And if the parties had agreed, they could have signed an agreement in the presence of the Conciliator, which, if not carried out, could afterwards be made an order of Court. But if the judge could not bring them to agree they could still go to law, and no great harm would have been done by their meeting.

And in claims under the Workmen's Compensation Act there is good reason why some such course should be made compulsory. For when the Act was introduced, Mr. Joseph Chamberlain expected it to be an automatic scheme, and took credit for the government that "we have held it to be a first principle as well as one of our first objects to avoid litigation." There were to be no lawyers employed and no appeals were to be allowed. What has happened in fact everyone knows. The Bill was so altered in Parliament and by succeeding legislation as to flood the County Courts with litigation of an expensive and difficult nature, and to clog the Court of Appeal with endless discussions on what are from the insurance point of view—and that is the business point of view—trifling matters. And every day one is face to face with the pitiable spectacle of a working man, not necessarily a malingerer—but a neurasthenic subject—physically fit to work, or at least to get into condition to work, and yet not capable of exercising the necessary will

power to do so, and gradually becoming more and more unfit. And the cause of the bulk of this is litigation. When a man is getting better and his mind should be turned towards work he has at his elbow a lawyer and a doctor, who, being human, have their scientific opinions biassed perhaps by the thought that only by carrying the case into Court can they hope to get any fees. The man is told it would be unwise to work both legally and physically. What is he to do? Is he to throw over his scientific advisers—why should he? Would you or I settle a case or abandon a claim against the advice of our lawyers? Nor do I blame the lawyer. He is there to advise, and often without his advice the man could not recover his rights, and certainly could not maintain his rights in the Court of Appeal and on to the House of Lords.

The lawyers are a necessary part of the scheme as it exists, and so are the doctors. They hinder the man from getting well and going back to work, but that is all part of the machine. The machine is not a bad one, and no one wants to see it scrapped. We want to return to the Chamberlain ideal and wheel our machine out of the Law Courts into the yard, and work it under the power of common sense. Only in that way can we escape some dishonourable responsibility for that half-malingerer, that weak, insincere invalid, the miserable remains of what was once a good workman, which is such a common object of the County Court.

I have no hesitation in saying that by a system

of conciliation 75 per cent. of the present litigation under the Workmen's Compensation Act might be stopped, to the great benefit of the community. I would allow no Workmen's Compensation Act case to go forward to litigation until employer and workman had come in person—or by lay deputy on the employer's behalf—to discuss a way out. Many a workman would go back and try work again if he could go into a room and talk his affair over with a judge, and was assured that his interests would be cared for whilst he made the experiment.

The scheme of workmen's compensation was intended by Mr. Chamberlain to be a businesslike and statesmanlike scheme of accident insurance to be administered by a County Court judge, acting as an arbitrator, with the assistance of a medical referee. There were, as I have said, to be no lawyers and no appeals, which to his business mind were merely things leading to "expense, annoyance, and irritation." The statesman desired and intended a scheme for the benefit of employer and workman based on peace and conciliation, but the lawyers have been too many for him, and to-day the Workmen's Compensation Act litigation is little better than a wild-cat legal gamble. To diagnose whether an accident arises out of or in the course of a workman's employment you want a legal mind combining the subtlety of a Jesuit with the discrimination of a laboratory professor. And even then you may fail if your mind is anything but an exact replica of two out of the three of those who

will ultimately sit to hear the appeal. Nor is there indeed always safety in that, for there is the House of Lords to come—and if you think the word "gamble" is too strong a word for the existing state of things, ring them up at Lloyds' and ask for the current rate of odds against any Workmen's Compensation Act appeal on its voyage from the Strand to Westminster.

But it will be said, is not all this rather an attack on the writer's own profession? I do not think so. I have tried to make it clear that I blame the system, and not the individuals who have to work it. And though I believe that any sort of Court of Reconcilement or Conciliation must in time do away with much litigation, I do not necessarily think that a bad thing for the profession. How often to-day do lawyers try and keep their clients from litigation and promote compromise to their own cost, to satisfy their high ideals of right action. I am far from thinking it desirable that we should keep alive a system of litigation that we believe harmful to the community because it brings in fees to ourselves. The spectacle in "Jarndyce *v.* Jarndyce," where "eighteen of Mr. Tangle's learned friends, each armed with a little summary of eighteen hundred sheets, bob up like eighteen hammers in a pianoforte, make eighteen bows and drop into their eighteen places of obscurity," may have pleased the unthinking lawyer of the day, but Dickens, with prophetic foresight, knew more about it than the Bar. It had to be swept away. And has it ruined the Chancery Bar?—ask them in

Lincoln's Inn. The fact is that if we are to maintain in the face of better-educated and more thoughtful citizens the privileges and traditions of the Bar, we must satisfy ourselves and the world that the work we are doing is worthy, useful work beneficial to the community. When it fails to come up to that standard, it ought to be joyfully surrendered.

Nor do I think that my suggestions would, even if they were carried out by a stroke of the pen, injure any practitioner to any serious extent. New problems are arising daily and new work is waiting to be done. But whether the results of conciliation would be to the injury of the profession or not, before anything is done the lawyers will have their say on it in the Houses of Parliament, where their number is legion, and where, as far as I can make out, the poor litigant, the client whose interests I am saying a word for to-day, is wholly unknown and unrepresented.

CHAPTER XIV

OVERTIME

To play is for a man to do what he pleases or to do nothing—to go about soothing his particular fancies

CHARLES LAMB: "Letter to Bernard Barton."

THAT idea of soothing your particular fancy gives to me the very clearest image of play and playtime. And most men's fancies take a deal of soothing, since man will fancy himself and his capabilities to be x, when his nearest and dearest could tell him, if they were not his nearest and dearest, that they are not even y, but something far nearer to $a\ b\ c$.

And as long as a man does not fancy himself at his real work, but only in playtime, what does it matter? For in a sane man it seems a natural attribute that he should dislike work he is peculiarly fitted for, and should hanker after jobs that he is naturally ill-equipped to perform. I always looked forward to what I called "overtime," when I could get away from briefs and law books, and put in a few solid hours spoiling beautiful hand-made paper with inharmonious water-colours, or writing plays and stories that nobody wanted to publish. Why I should have called it "overtime" I do not know, for real overtime is paid at least at the rate of "time

and a quarter," but my overtime generally cost me money. Perhaps the idea I have in calling it "overtime" is that these tasks could only be done after the day's work was over, which is the only attribute my "overtime" had in common with the overtime of the working man.

From my earliest days—when to the dread and horror of my family I bought a fiddle and tried to learn to play it—I have experienced a sane and healthy desire to spend my working hours on jobs I know I can never do, rather than in exercising capacities which have always been with me. I call it a sane and healthy tendency, because I find it to exist in nearly everyone who feels physically and mentally well.

I once knew a plus 2 golfer who spent all his overtime away from the links in trying to grow tomatoes out of doors. Each season the climate—which he spoke of as a horticultural bogey—was at least 7 up on him before the first frost came and stopped the round. But he had many merry hours in his garden, and laughed gaily when he topped a budding plant with a careless approach with a hoe or was badly bunkered by a patent manure. What really bored him was the monotony of golf with eighteen perfect drives every round he played. It was only on those rare occasions when he pulled or sliced into the rough that I have known him to smile and openly admit "that there was some fun in the old game, after all."

I early discovered the delights of "overtime" in

my father's library, where I was supposed to do my home-work whilst I was at King's College School. There I read all the great English writers with a larger enjoyment, because, like the Jew who ate the pork chop, I could feel that I was "sinning at the same time." I think that library and its contents are entirely responsible for my taste in overtime. Shakespeare, Fielding, Smollett, Dickens, Thackeray, Mrs. Opie, and Aphra Behn. I remember the very format of each volume. I do not think there was a single dramatist or novelist of any mark in the English tongue that was unrepresented.

Perhaps my favourite book was Cumberland's "British Theatre," with its forty-eight volumes. The stage-directions of the bloodiest of the melodramas were my favourite reading. Their only rival was the brief in some sporting case which lay on the table at which I worked. I would often slip the papers out of their red tape and peruse them far more diligently than I did in after days, when I was paid for doing so. How carefully I read the solicitor's story of the case. In later years I found that no self-respecting advocate ever studied these lengthy pages, well understanding that under an absurd legal system they are put there merely for the taxing master to appraise and allow in the form of costs.

I remember Nash being amusingly scored off by a well-known solicitor, who rather plumed himself on his frugal literary gifts, and took much pains in the composition of the story of a case. He complained

to Nash that he never read these narratives, and Nash had assured him, out of polite respect to his hobby, that he always made a point of studying them and greatly admired them. Soon afterwards Nash was instructed by the solicitor to defend a client in a criminal case at the assizes, and a fat brief, marked "30 guas" and beginning with a very lengthy narrative, was delivered to counsel. How far Nash read any of it I do not know, but he duly acquitted the prisoner. To Nash's annoyance and surprise—for the solicitor was a most solvent and respectable person—the fees were not paid. Nash's clerk made several efforts to solve the mystery, and was told that they had been paid to Mr. Nash at the assizes, but Nash knew that this was not so, and was very indignant with the solicitor about it. A month or two afterwards Nash met the solicitor in Cross Street, and going up to him expressed his views of the solicitor's conduct very roundly.

"But I paid you at the assizes, Mr. Nash.'

"Nothing of the sort, sir, and you know it."

"Did you read my story of the case, Mr. Nash?" asked the solicitor.

"Of course I did. I always read every word of my briefs," said the unblushing Nash.

"H'm, that's very curious. I can't understand it," said the solicitor, with his head on one side, and his left eye half-closed. "I can't understand it at all, because on page three of that statement of the case I pinned a cheque for your fees, and—hadn't

you better go back to chambers, Mr. Nash, and read that brief again ? "

But when I was a lad the introduction to the brief was my first study. If it looked dull and boresome I dropped the papers speedily. How often in after life I wished I could deal with briefs in similar fashion. And as no child will ever read these pages I may confess that from the short years of my schooling the only things that remain with me are elegant extracts of forbidden reading; forbidden not by my father, I should say in fairness to both of us, for he knew all about it and winked, but by my pastors and masters.

I think it is Walt Whitman who expresses the thought that he would like to get away from mankind and " turn and live among the animals, they are so placid and self-contained." And I have the same kind of feeling about school-masters. The prosperous incompetence of the school-master is to me one of the great mysteries of life. When I lived among school-masters a cowardly idolatry, the offspring of tyranny and coercion, prevented me using opportunities to make careful observation of their mental and moral constitution. I had a vague knowledge that they were hopelessly wrong, but I had not the energy and ability to analyse the wherefore of it. Physically they were of varying size and beauty, but mentally they were absolutely and uniformly all alike. It never occurred to my young mind that this was a natural result of pouring youthful educational hot stuff into an old-fashioned mould and turning it out when it had grown cold.

There were, of course, many charming persons among them. What an excellent fellow was E——. I have long forgiven him, but his offence was rank and smells to heaven. He it was who persuaded me for a whole term to spend my overtime on school books. I have some prizes on my shelves now, the result of my foolish complaisance. I have never looked inside them, but the bindings are handsome, and they serve as a *memento mori* of wasted hours that can never be replaced. The speculation was commercially sound, no doubt, but whilst I was doing it my conscience smote me. The next term I dropped it, and my good friend, with that rare prophetic insight that enables the school-master to foresee the unbetiding, filed my deficiency account in words that still have a haunting sound of failure: "has some ability, but no staying power."

It does not need an alphabet of scholastic degrees to enable a man to back a double event and find both of them to be losers. And yet old E——'s epigram that looked at the time so like real stable information, was but a huckster's tip after all. Most of my relatives and all my real friends, those who know best, have cheerily shaken their heads at the word ability —did so, I remember, at the time—and have admitted that he was wrong there, but even E—— himself would not now, I think, gainsay the fact that I have stayed the course. And yet my innate reverence for the school-master is such that I have an uneasy feeling that I ought to have so shaped my life that the words of the school-master might be fulfilled, and

that in not having done so I am in danger of judgment.

The early days of the Bar are all overtime. And the first big overtime job that I undertook, and perhaps the pleasantest I ever carried through, was the preparation of a version of "Dorothy Osborne's Letters," the first edition of which I finished in my early days at Manchester, and published in 1888. I remember my joy when Mr. Comyns Carr, who then edited the *English Illustrated Magazine*, accepted my first essay on Dorothy Osborne. How I still reverence his critical acumen. The joys of winning a legal scholarship, or having that first brief at quarter sessions delivered to you by a real solicitor's clerk, have none of that *tremens* delirium about them that you attain when your literary essay is accepted in a courteous autograph from a master in letters. The manuscript of "Dorothy Osborne's Letters," like all great works, was refused by many of the leading publishers, and when it was published the book was an immediate success. It has been pirated in many countries, and will, I think, remain in the English library, not on account of any work of mine, but because of the peculiar charm of Mistress Dorothy's style in letter-writing. It was a satisfactory bit of "overtime."

My next book was a life of Macklin, the actor written for a series edited by William Archer. Mr. Lowe wrote a life of Betterton. Mr. Archer himself wrote Macready, and then came my "Life of Macklin." For some reason or other that ended the

series. It was not half a bad book, and a friend of mine in Dublin says my chapter on the Irish stage has amused and entertained him for many pleasant hours in tracing out and confuting by authority the errors and inaccuracies it contains—but, then, he admits that no other Saxon had ever dared to try and write such a chapter.

And I suppose it is only right to enter on these time-sheets my journalistic work as overtime. I know nothing so exhilarating as journalism. If I was really to take to writing as a business, I should hire an upper chamber in some building which was gently rocked from below by a steady throbbing engine, and arrange for the smell of its oil, coupled with the aroma of printer's ink, to pervade the atmosphere, then having hired a whistling and insistent boy, with a raucous voice, to put his head in and shout "copy" at me every quarter of an hour, I should sit down to work, hopefully assured of a glorious "spate of style." For many years I wrote dramatic criticism and reviewed books, and wrote "shorts" and occasionally full-dress leaders for the *Manchester Guardian*. I do not think I had any very particular reputation in Cross Street, except for punctuality and dispatch. It is not every journalist who has even these humble attributes, but they were evidently well remembered of me.

I mind meeting C. P. Scott one autumn morning some three years after I had been judge, as I was walking down to my work—along the fragrant groves of Rusholme. He seemed somewhat disconsolate

and told me his trouble. He had an advance copy of "Elizabeth Barrett Browning's Letters," and through illness there was no one in the office free to review it. Two columns about were wanted before going to press. "I wish, Parry," he said, with half a sigh, "that you were available."

Of course I was available. The book, with its two volumes of over eight hundred pages, came down to the Court. I started it in the luncheon hour. I got at it again after the Court rose at about 4 o'clock, and before 11 at night I entered the office and was received with enthusiasm by a grateful sub-editor thirsting for copy. I compared my work the next day with that of some of the London champions, the plus 4 men at the game. I had scooped out nearly all the tit-bits, and I had done more. I had discovered that Mrs. Browning's baby was a good half-column, and the other fellows had missed that delightful child altogether. Moreover, I had not only written my review, but I had copied out all my extracts, for I never could bear the thought of mutilating a book, and so the volumes remain with me as a pleasant memory of a happy day's overtime. For when I had had some supper I had missed the last tram, and dreaming that I was still in the days of my youth and could not afford a hansom, I had a joyful walk home in the moonlight.

And long before that, whilst I was at the Bar, Hulton, the elder, came into my chambers and asked me to write some articles for the *Sunday Chronicle*. For some reason or other a new hand was suddenly

wanted. The articles had to be a column and a turn-over. Any subject might be written upon as long as the writing was tense, vivid and entertaining and the matter was of popular interest. The manuscript had to be ready by Friday. I doubted my capacity for the task, but Hulton told me that he had been assured by that kind-hearted doyen of the craft, Spencer of the *Guardian*, that I was all right. I bowed to his verdict, for to me Spencer's was the last word about journalistic matters.

I shall never forget that week. Nothing happened. Day succeeded day in stagnant succession, no one of importance said or did anything. There was not a crime or a law-suit, or even a political speech in which one could pretend an interest. On the Thursday morning I rose early and rushed at the newspapers. The same dismal outlook of barren nothingness. I passed the canal and looked at its waters lovingly. Was I to disgrace myself by going back on the verdict of Spencer? It seemed impossible that I could do that and live.

About midday, whilst sitting in chambers with a blank sheet of paper before me, symbolic of the mind within, my clerk brought in some papers, and in a diffident off-hand manner said casually, "I suppose you've heard the news!"

"News," I cried testily, "there is none."

He turned on his heel.

'What is it, then?" I called after him.

"Only Mr. Parnell's dead!"

I had a real reverence for Parnell, but to undertakers

and journalists death is indeed the reaper, and the poor gleaners cannot be blamed that they are thankful when the season brings them their only harvest. In truth I never wrote with greater sense of responsibility nor with a more eager desire that every word and sound should toll the message of his life into the hearts of my readers. Heaven knows how far I succeeded. It was enough for me that Spencer nodded approval. And to the quiet homage for the statesman that most of us have to-day there comes into my heart a thrill of grateful emotion whenever I hear the name of Parnell.

I wrote those *Sunday Chronicle* articles for some time, but it was a worrying task, and my work at the Bar began to creep into the overtime, and ultimately, like Aaron's rod, swallowed up all other pursuits. But I look back to the task with pleasure, because it enabled me to write an article to the glory of Charles Hopwood and his policy, and I still possess a faded letter, full of hope for the future and thanks for the help that had been given to the cause he had so much at heart. Of course, I had known Hopwood as a leader on circuit for some years, but after the *Chronicle* article he began to talk to me about his various views and plans of reform in a way that was deeply interesting.

And to go back to my earliest recollection of Hopwood I must go back to when I first joined the circuit, and recount an early journey to Lancaster Assizes with Falkner Blair. He had been retained to defend a wretched man who, in a fit of

despair, had taken the lives of his three children. It was a very sad case, and the only line of defence was insanity. When the train stopped at Wigan a gentleman got into our carriage for a smoke. He got into conversation with Blair, and hearing of the murder case expressed his desire to attend the trial. He turned out to be the Reverend E. Burnaby, a brother of the celebrated Captain Burnaby, hero of the "Ride to Khiva," and we invited him to join us at Bar mess. He was on his way to the Lake District, but his interest in trials made him gladly accept our invitation, and we appointed him a sort of honorary chaplain to the mess during the three or four days he was with us.

That chance meeting saved the life of Blair's client. Blair made an eloquent speech in defence of the murderer, but the medical evidence was conflicting, and Mr. Justice Cave did not sum up for a verdict of insanity. He left the matter to the mercies of the jury, who could not see far beyond the horrible fact and circumstances, and without long consideration brought in a verdict of guilty. Burnaby was strongly convinced that the man was insane, and expressed his intention of moving for a reprieve. The means of the man's friends had been exhausted in preparing the defence, and had it not been for Burnaby's energy nothing would have been done. Burnaby started a local petition, and later on followed the circuit to Manchester, where he interviewed Cave, and there he met Hopwood. Hopwood made a most careful inquiry

into the facts of the case, and having satisfied himself that it was a case for the interference of the Home Office, assisted Burnaby with his counsel. Under his direction the matter was carried to a successful issue. A further examination of the prisoner was made, and he was pronounced to be insane, and sent to Broadmoor.

This was my first experience of Hopwood, and as I grew to know him better I came to the conclusion that not only was he a very kind-hearted and merciful man, but he was also one of the wisest and most sensible of judges in a criminal court that I ever appeared before. People were very apt in those days to look upon him as a visionary and enthusiast, but the fact is the administrators of the criminal law in all its harshness were the real visionaries, for they kept their eyes straining after a set of affairs fast passing away instead of keeping a brave, healthy outlook on the actual facts before them.

Nowadays, with our Criminal Court of Appeal and our humaner rendering of the criminal code, it is difficult to understand what horrible things were done twenty-five years ago. But by no means let us believe that the judges who did these things were themselves cruel and harsh. It is so difficult when you have grown up with a system to see that there is anything fundamentally wrong in it. It seems so dangerous to reform or to alter existing laws that have apparently worked so well for years. I do not think the judges who sentenced young men and

women to be hanged for theft, nor the later judges who transported hundreds of small offenders to the Antipodes, were cruel men. Certainly I know that some of those judges who were harshest in their sentences in the earlier eighties were kindhearted gentlemen in action and sentiment. They believed in the system. They thought it was a good and just system. It was Charles Hopwood, with his deeper insight, who showed them they were wrong.

When Hopwood became Recorder of Liverpool he was able for the first time to put his principles into execution. The kind of thing that had been going on all over Lancashire was instanced in one of his charges to the grand jury after he had been a year or two in office. "A woman," he said, "pleaded guilty before me of stealing some articles of little value. I looked at the record of her history. She had just come out after three several sentences of penal servitude a poor, broken-down, miserable being. Her first severe sentence anterior to the above was one year's imprisonment for stealing a pound or two of butter. Her first seven years' sentence was for stealing some trifling quantity of butter again. Her second seven years was for stealing some butcher's meat. From this she had been out a month and was again committed and sentenced to another seven years for stealing a duck from a poulterer's shop. Twenty-two years for five or ten shillings' worth of food. It calls to mind Hood's passionate cry, 'That bread should be so dear, and flesh and blood so cheap.' Every one of

these offences points to the pressure of extreme want. I gave her a slight punishment and have never seen her since."

And that is what happened in practice It was found that very many of these petty criminals pleaded guilty at Liverpool Sessions, received a light sentence, and came out with a hope and intention, often fulfilled, of leading honest lives. Others, of course, fell again and again into bad ways, but those, he argued, were really persons who wanted some form of asylum rather than a gaol, where their feeble will power could be protected from the temptations of the world. These long terms of penal servitude for petty thefts were survivals of the old criminal code. In the middle age as thief was hard to catch, and probably when he was caught the best use to put him to was to hang him. Nowadays the thief is comparatively easy to catch, and therefore the hanging of him when caught ceases to be a sensible action. One of Hopwood's arguments was that at his sessions prisoners pleaded guilty and gave no trouble to the prosecutor, whereas in the days of harsh sentences prisoners pleaded not guilty and juries hesitated to convict. Another of Hopwood's reasons for weighing carefully the length of a sentence was—as he often reminded us—that every year, every month, nay, every day that is added to a prisoner's sentence is too often a year or a month or a day added to the misery of guiltless women and children, whose lives and happiness depend on the return of the wretched men whose liberty is forfeit.

I have often heard Hopwood discuss these matters, and always with profit to myself. The mere fact that such long sentences could be defended was, to him, evidence that the passing and witnessing of such sentences led to a moral deterioration—a hardening of the moral nature of both judges and spectators. I think this is true. We have recognised the truth of it in relation to public executions, and there is no doubt that to be a part of the working machine of the criminal law blunts the edge of compassion. Further, one effect of long sentences on prisoners was to make them commit worse crimes and to resist capture by violence. That is an aspect of criminal policy that is apt to be overlooked by those who clamour for harsher and stronger measures against evil-doers.

One of Hopwood's best attributes was that calm, reasoning detachment of mind which enabled him to understand the point of view of the poorer classes on our administration of justice. What the bottom dog sees when he puts his nose over the dock and blinks at the learned Recorder and his brother magistrates of the city, is a very different picture of Justice from that which we behold so complacently from our side of the railing. To him it seems a mere mockery to behold Justice, well fed and prosperous, blind to the many frauds and much misconduct of its own class, pompously and Pharisaically denouncing the less guilty, the mere stealing of something to eat or something to clothe, by sentences which should be reserved for real and atrocious

crime. Certainly, it makes one uneasy to remember how many successful and fraudulent schemes have swept away the savings of the working classes into respectable broadcloth pockets—even magisterial pockets—and the law has found no remedy and no punishment. But the scandal is not a new one, and is well sanctioned by precedent. Our forefathers rhymed it, in their easy-going way:

> You prosecute the man or woman
> Who steals the goose from off the common,
> But leave the larger felon loose
> Who steals the common from the goose.

Hopwood was a much-abused reformer, but he kept a stout heart, and went his way remitting hundreds upon hundreds of years of imprisonment in mercy to his fellow-creatures. There is no evidence that his methods injured any class of the community. He preached the cause of criminal appeal to deaf ears, but since he has gone we are all converts to his view, and wonder how we could have hindered the reform so long. What was it that began to awaken Lancashire folk to the belief that Hopwood had not only a warm heart, but a clear head, and was talking business sense? Sometimes I think it was the statement in one of his later charges that in not inflicting long sentences he had already saved the taxpayer £28,000. If there is one thing Lancashire does understand it is figures.

Looking back on my recollections of the men on circuit, I think he was undoubtedly the greatest man I knew. I say great, inasmuch as he fulfils Long-

fellow's words, for his life indeed reminds us of the greater possibilities of our own humbler lives. Even now that he has departed his footsteps re-echo along the hopeless corridors of the gaol as of one who brought glad tidings to the oppressed. When the social history of the nineteenth century comes to be written the man who, by his fearless example and persevering energy, proved to society that the existing treatment of the smaller criminal was unnecessarily cruel will have a higher place than many more ambitious reformers.

And in spite of his tenacity and the outspokenness of his unpopular opinions we all loved him on circuit, though not all of us were his disciples, and I shall never forget the cheers of laughter and delight that went up when an Irish colleague thus concluded an after-dinner peroration in his honour : " Hopwood has indade taught us what a beautiful thing it is to temper mercy with justice."

After all, like many a " bull," it really expresses very clearly what Hopwood was doing.

And though I have never more than half believed the extravagant claims of the almost mesmeric power of the Press over the common horde of us, yet as a mere " man in the street "—to use a phrase that Greville brought from Newmarket—I have seen enough of the inner chambers of journalism to know that if a journalist may not do much to educate the public he can do something towards the education of himself. The discussions you enter into with men of all parties, the books you have to read, and

the plays you cannot stay away from, ought to cultivate in you a better sense of charity. If it does not, then the fault is in the seedling and not in the soil.

I have never been under any delusion about the *scribendi cacoethes*. It is not a pleasant disease, but it has comparatively good points about it. When the fit is upon you, you do not worry your family and your neighbour with the details of it, as you do when you have an attack of the spleen, or the rheumatism, or the slice, or the pull, or whatever recent manifestations of neuritis you may be suffering from. You only wish, like any other well-mannered sick mammal, to be left quietly and undoubtedly alone till the fever leaves you. I know I have wasted a lot of my spare time in writing; it soothes my particular fancies, it is the form of indolent amusement that I enjoy.

I daresay if I had tackled the higher things of life, and given the industry of my overtime to more serious pursuits, I could have reduced my golf handicap below the mediocre twelve at which it stands, or lost more money on horses than I have on books. But this I can say with honesty, that when I write *finis* on the last page, and my time is over, the best of it has been the "overtime."

CHAPTER XV

PHARISEES AND PUBLICANS

Oh Lord ! Thou kens what zeal I bear,
When drinkers drink, and swearers swear,
And singing there, and dancing here,
Wi' great and sma' ;
For I am keepit by thy fear,
Free frae them a'.

BURNS : " Holy Willie's Prayer."

WHEN I was a small boy I liked above all things the stories about Pharisees and Publicans. Pharisees, I think, were connoted in my mind with schoolmasters. Publicans, on the other hand, were a mysterious, jovial people given to gluttony and wine-bibbing. The latter I knew nothing about, but the gluttony I forgave. I remember a pang of disappointment when I discovered in older years that Publicans were connected with the Inland Revenue.

In China I believe nearly all morals are imparted by means of fables, and it is the story-telling department of our early teaching that leaves us with something tangible which we can use in after life as a bobbin whereon to wind the weft of our own thoughts. And this distinction of Pharisee and Publican remains with me so far a reality as to stand for something which the words themselves of course do not mean. They are convenient symbols for the class who want mankind to walk along the

path of mechanical obedience, and the class who are out to realise the best the world can give; the class who condemn themselves and their fellow-creatures as miserable sinners, and the class who not only love to be merry and wise, but are ready to sink a certain amount of wisdom in the interests of merriment. William Fisher, of Mauchline, was a typical Pharisee, and Robert Burns, who immortalised him, was the greatest of the Publicans.

And though I agree that there is no historical fitness in my use of the term Publican, I think the Pharisee is a continuing social type and probably as eternal as the hills themselves. That is to say, it will require some new geological period to shake him off the earth, and he will not depart until he can no longer be of service to the world. For my more recent reading about the Pharisee has led me to modify my childish imaginings. To-day I have a great respect for the Pharisee. I have learned that with all his faults he was a very respectable, classy Israelite. He knew that he was set apart from the common herd, and he was proud to be an abstainer and ascetic, as if these things were good in themselves. His ideal of life was to have a lot of meddling, fussy laws of outward conduct, and not only to obey them scrupulously himself, but to persecute others who did not. Not an amiable character, perhaps, but at least sincere and honest. Moreover, he knew no better. Whether there was the same excuse for the Pharisee of Manchester in the year of our Lord eighteen hundred and ninety is a doubtful point.

Not that I would like to see—or am likely to see—a city bereft of Pharisees. A few to sanctify and give general tone and outward respectability are as necessary to Manchester as lace curtains to a suburban villa. My grumble is that in Manchester there are too many Pharisees to the square yard. They capture and run organisations that were made for better things. They make it impossible for the average wicked citizen to take part in their good works, they bring disrepute upon the city by their vagaries on the house-tops, and they rouse up a great deal of hatred, malice, and uncharitableness in fighting with great ability and vehemence against the right of the harmless, necessary citizen to amuse himself in his harmless, necessary way.

Many will remember an historic quarrel between two old friends who were engaged in very doubtful municipal transactions, and how they made it up in a Wesleyan chapel, and one put £50 in the plate as a token of regret for having uttered naughty words about the other. By the more respectable class of Manchester that action was regarded as being a natural and right expression of apology. If it was earnest and sincere it had a folk-lore resemblance, I suppose, to the sacrifice, or burnt offering. By the elect it was quoted as a very beautiful act of retribution. To one like myself, outside the circle, it was not perhaps actual evidence of conspiracy to commit fraud, but it was at least a beacon light warning of a dangerous shore. I remember prosecuting an embezzler at Lancaster who always prayed

with his victims before he took their money. Whalley, the famous Blackburn solicitor, who swindled his hundreds, was a famous prayer-monger, and in all those doubtful societies and associations which are so popular in Lancashire, and through which the savings of the working class are transferred to the pockets of their elders and betters, there is generally a halo of holiness surrounding prominent members of the board. And as long as popular opinion is in favour of the Pharisee, and will invest in his business concerns because he is a Pharisee, so long Manchester, with its simple, saving working class, is bound to have more than her fair share of the race.

It has been a very interesting occupation with me during the last twenty-five years to watch the constant dispute between the Pharisee and the average citizen, and though the contest is by no means over yet, I am glad to be able to chronicle that up to now the Pharisee is several down. And that phrase reminds me of his attitude towards Sunday golf. The Pharisee, of course, did not want to play golf on Sunday, but a large majority of golfing citizens did, therefore it was an evil thing to do, and they must be protected against themselves. At one club where a meeting was held and feeling ran rather high, a humorist moved as an amendment "That Sunday golf be not compulsory." The leading Pharisee—the sect have no sense of humour—protested eloquently that no body of men could compel him to play golf. The humorist drily pointed out to him that a careful reading of the proposed rule would

show that they did not intend to compel him. Then, amidst laughter and cheers, it became a rule of the club, and, as far as I know, it is a rule to this day.

What an excellent, sane rule it is. Your Pharisee is always compelling you not to do this and not to do the other. What a calm, dignified way of meeting him—to place on record the common law of the land that Sunday golf is not compulsory. Of course, Sunday golf won all along the line, one reason being that golf is a rich man's amusement, and that young Master Pharisee, when he was down from Oxford, would have a round with his friends on Sunday afternoon, and that made the governor's position peculiarly ridiculous. But wait until the working classes demand their outdoor amusements on the Sabbath, and you will see a gathering of the sect worthy of Manchester in the palmiest days of Pharisaism.

The fight over the Sunday papers had been fought and won before I came to Manchester, but I remember a little skirmish started by Canon Nunn in the form of a protest made against the boys shouting papers on Sunday. Now, town noises are most people's aversion, and if this had been a real attack on unnecessary noise it would have been reasonable enough. But it did not seek to stop Church bells or boys shouting papers on Monday or Tuesday, and was really only an effort to inconvenience those who preferred to read the sermons of Hubert by their own fireside rather than to listen to the parsons in an uncomfortable church. The Sunday

paper is not, perhaps, the highest ideal of journalism, but it is to many the only newspaper of their week. It is to the discredit of the Pharisee that he has put every obstacle in the way of the Sunday paper to prevent it from developing into a bigger and more useful institution than it already is.

But one's heart bleeds for the poor Pharisee when the theatre is mentioned. I remember some Bolton Guardians passionately endeavouring to hinder the little workhouse children from seeing a Christmas pantomime. One asserted that theatres "brought ruin to thousands," and another that "he could not ask God's blessing on a child whom he took to the theatre." Fortunately, there was a majority of sinners among the Guardians, the holy men were defeated and the little children were suffered to see the pantomime.

One of the wildest outbursts of fanaticism that I have ever witnessed arose over the licensing of the Palace of Varieties. To anyone who had lived in a healthier and more normal civilisation the affair seemed impossible. For what was the situation? Manchester had a few old-fashioned, out-of-date music-halls and a very large number of singing-halls attached to public-houses—not the most desirable places of entertainment. The directors of the Palace of Varieties proposed to erect a large modern music-hall and give the best entertainment of that kind that could be given. It was a London company, and, from a business point of

view, it made a mistake in not interesting Manchester men in the company in a business sense. But there was no doubt that such a hall was badly wanted by the general body of citizens, and that the men who were going to run the show would never allow any performance that the average Manchester citizen would not like to see, just as his average London brother did. You would have thought that any citizen of foresight would have welcomed such a change. For years the magistrates and rulers of the city had provided this class of entertainment in most undesirable places, and the complacent Pharisee passed by on the other side; it did not come between the wind and his nobility. But this " centre of vice," as a prominent Pharisee called it, was to be in the Oxford Road. It was to be open and honest, and that was its offence. The Pharisee knew that the Manchester citizens were evil people, that the music-hall was going to be an evil thing, and, therefore, certain to be popular among evil people, and so he opposed it with a vitality of strenuous abuse that was the admiration of all who take pleasure in such manifestations.

The earnestness of the crusade was beyond dispute, and the bed-rock principle of it seemed to be a firm belief in original sin. The youth of Manchester, as I gathered from letters of the protectors of morals, is naturally evil and very prone to vice and immorality. Once it strays from a Sunday school into a music-hall it directly takes to excessive drinking and other immoralities and crime. The

regime of the Sunday school in no way renders the patient immune from these results.

In the interests of this hopeful class of youth, said the Pharisee, the music-hall must be shut. The fact that there are a large number of normal, healthy, young citizens who take no harm in music-halls was overlooked. For weeks before the licence was applied for the correspondence rolled on. Letters in favour of the Palace were generally unsigned, as employees whose employers or directors were of the ruling sect had to be cautious.

Nearly every church and chapel organisation went against the improvement of music-hall performances. I remember one notable exception. The Rev. W. S. Caiger, rector of St. Mark's, had the pluck to stand up against the overwhelming torrent of holiness that poured through the newspapers. "Mr. Price-Hughes," he wrote, "talked of the wickedness of men who make a gain out of the exhibition of ballet girls. A ballet girl who is fairly proficient in her profession is in a far safer moral position than the young girls I watched the other day making flannel shirts at tenpence the dozen." That was a cap that would have fitted more than one leading Pharisee, but the wearing of it might have obscured his halo.

The legal history of the licence is not worth reporting. Licensing by magistrates is not a very exact branch of scientific law. There was the usual canvassing and peaceful picketing by the Pharisees and their opponents. In the first round the former

won, and one of their leaders called for a "great meeting of united prayer and thanks to God for His divine favour to our city." I do not think this was held. There was then a larger session. Gully applied, Sir John Harwood was in the chair, and the licence was gained by 33 to 27. Thus on Whit-Monday, 1891, Manchester possessed a first-rate music-hall. Since then others have been built and opened to the general benefit of weary citizens who are fond of innocent amusement. And nowadays the Pharisees sometimes patronise them, and so "all's well that ends well."

And the whole attitude of mind of the English Pharisee towards the inn and the tavern is the most incomprehensible affair to the average citizen. One would have thought that an endeavour would be made to have the inn a place of cleanliness, beauty, and good repute, where relaxation and bright amusement and music might be a God-send to hard-working people. But generations of magistrates have decreed that the workers are to have their drink surrounded by every discomfort. Magnificent hotels and restaurants with music and dancing are only for the rich. All this is, of course, done in the great cause of temperance, and as Mr. Balfour said, "love of temperance is the polite name for hatred of the publican." In the upper and middle classes the altered manners of the day in relation to strong drink are not due to shutting down public-houses and degrading those that are left open. Legislation is never likely to achieve any great moral

reform, nor are the licensing magistrates, as a rule, administrators of much sweetness or great light.

Had they been so I think they would have noticed that in records of English habits and English character the inn stands for nearly as much as the church in the social life of the people. Those of us who have plenty of house room do not quite recognise how an inn may be the one possible meeting-place for friends in hours of recreation. How short-sighted, then, to forbid its expansion, to make it uncomfortable and degrading. In the literature of our country the inn is very rarely spoken of with disrespect. It were easy to quote passage after passage, from the holiest literature to the lightest, of the high place that the inn and what it represents occupies in the minds of the best Englishmen. Licensing magistrates should overhaul their Bibles for the right references, and " when found, turn the leaf down." Doctor Johnson puts it in a phrase when he says : " No, sir ; there is nothing which has yet been contrived by man by which so much happiness is produced as by a good tavern or inn." He then repeated with great emotion Shenstone's lines. The last verse is well remembered :

Whoe'er has travelled life's dull round,
Where'er his stages may have been,
May sigh to think he still has found
The warmest welcome at an inn.

The spirit of freedom and social comfort that runs through all the English writing about inns is a good thing to foster in itself. And in whose interest

is it suppressed ? Not in the present-day interests of the working man, but at the behest of the Pharisees, who have added a commandment of their own, " Thou shalt not permit alcohol," and who believe that they can by associating drink with degradation and discomfort put an end to its use. It was Charles Kingsley who solemnly warned the teetotalers that they were " simply doing the devil's work." As he said with much foresight and wisdom, " I dread the spirit of teetotalism, because it will beget that subtlest of sins, spiritual pride and Pharisaism. Its founders, like the first founders of every ascetism may be, and as far as I have conversed with them are, pure, humble, and self-denying men. So were the Fakeers, the first Mohammedan ascetics, the first monks, the first Quakers . . . but after a few generations the self-avenging Nemesis comes, the evil spirit drops his mask and appears as Pharisaism."

But if he could have lived to see the work of the licensing benches of to-day, how they make it daily more impossible to run an inn or tavern on right lines, bright, respectable, large, airy, and clean, with all reasonable recreations for its patrons, Kingsley would have been able to give the Evil One his due for the work of his adherents. Probably the boldest and best solution of our difficulties would be Free Trade, a high rateable value of premises and reasonable police supervision. There could not, one would think, be a better field for practising Free Trade principles—if you really believe in them—than in the trade of our national beverage.

It seems little less than a scandal that new licences for experimental purposes are practically unobtainable, and that the working classes are shut out of a fair enjoyment of comfort and decency in tavern accommodation, whilst the supply of luxuriously appointed hotels and restaurants for the upper classes knows no bounds.

And there is another new sin that the Pharisee regards with peculiar horror when it manifests itself among the working classes in any of its popular forms—the sin of gambling. I remember when Bernard Vaughan preached a sermon in Manchester to show that betting was not in itself sinful, the whites of many Nonconformist eyes were turned appealingly to heaven. Heaven gave no sign in the matter, and we may take it the appeal was dismissed. For what can be sounder than the Publican view of this and other matters, namely, that eating, drinking and wagering are not in themselves sinful, but that the sin comes in with the excess. Gluttony, drunkenness and gambling—if we use the last word only in its expression of excess—those are the sins; and even a Pharisee would not be too strict about eating, for something like gluttony has ever been attendant upon the profession of piety.

For my part, so far from forbidding children to bet, I should teach them how to do it prettily. A round game, say Pope Joan, played for fish —the engraved mother-of-pearl variety for choice —at which children learn to lose or win in a sweetly mannered and unselfish way would always

make, I think, a charming moral lesson. I remember my father had strong views about the importance of everyone being taught to bet—or gamble, if you prefer the word—in youth. My brother and I had always to play whist against our parents for farthing points—twopence a bumper—which had to be paid when we lost out of our own pocket-money, and our fellow-gamblers exacted their winnings to the uttermost farthing.

My father himself admitted that this was, for us, excessive gambling, but then there were not in those days many serious financial calls upon our means. I should not care to-day to risk so large a proportion of my weekly income on the hazard of the card. But the point is that if you learn to gamble for definite sums at definite games you can easily content the wagering spirit that is within you without rushing into excess. And think how well it would be if the schools and Universities turned out lads capable of leading their fourth best. Surely a man is a better citizen whose powers of observation have been sufficiently developed to enable him to see a call for trumps, and is not the eleven rule as near to the business of life as the rule in Shelley's case? At the University a good professor of whist might make his chair self-supporting by playing with his pupils for very moderate points. How few professors do that in classics, theology, or even the sciences. The more the matter is gravely considered the clearer it is that gambling requires educational stimulus rather than legislative restraint.

It wants the Publican's treatment rather than the Pharisee's.

What a far better world it will be for the English workman when he is invited to play his rubber in a neat restaurant after the manner of the Belgian who orders his beer and his *jeu-de-bac*, and rattles the dice with noisy merriment on the marble tables. Why should not the municipality set up a sixpenny, or, if you will, a penny totalizer on the racecourse, and abolish the yelling crowd of bookmakers, who by some Pharisaical interpretation of the law are encouraged to carry on their trade upon a racecourse because it is not a place within the meaning of the Act?

What moves the Pharisee to roll in the dust and groan about gambling is difficult to understand. For in every business transaction in life there is an element of gambling. When the Chancellor of the Exchequer promotes a great scheme of health insurance he invites his customers, in the phrase of the ring, " to buy money," and calls out the odds as nine to four on the field. He knows the gambling instinct in mankind, and very properly appeals to it. And, indeed, the gamble is everywhere. Even in the County Court when you pay your hearing fee there is the uncertainty of the law, and the betting is generally against the defendant's solvency, and you may never get even your original stake out of the pool. What are the odds when the workman buys his grocery or drapery on credit that he will get his money's worth?

I fear there is an element of jealousy in these sermons

against gambling. The preachers do not want the working man to gamble with the bookmaker, but to put his money in some insurance or investing society with prominent Pharisees on the board, calling out tempting odds in specious advertisements which the Publican would be too honest to offer. And if there is to be a statute against gambling, let us so draft it and work it as not to kill trivial amusement, but to warn off the course pious directors of fraudulent companies who in prayerful tones commend their wild-cat gambles to the working man.

No, the truth is that gambling is to most of us an element of our life, and, like all the other elements, should be used thankfully and wisely, and not in excess. By all means follow Michael's advice and

> . . . . well observe
> The rule of—Not too much: by temperance taught,
> In what thou eat'st and drink'st;

and, indeed, in all actions of life. But remember that the rule of "Not too much" can never be exercised by a mere refusal to look the facts of life in the face and run the risks of temptation.

I have preached that doctrine to many in Manchester, but I am bound to say, without making many converts. I remember an amusing jest played upon me at the Llandudno Golf Club. I had been laying down the true rule about gambling, and no doubt preaching about it in a somewhat Pharisaical tone, when a member of the committee asked me if I would play a certain ex-mayor of a Midland borough who was

making matches of a very gambling and extravagant character with several of the younger visitors.

"He will take it from you, Judge. You tell him firmly you are going to have a ball on and nothing more; you can give him your views on gambling, and don't let him start off on the first tee with a sovereign a hole, or anything of that sort."

"Certainly not," I said, "I'll keep him within bounds."

"You just talk to him like you've been talking to us," said my friend. "It will do him good. I'll tell him you will play him at 10.30 to-morrow."

The Pharisee within me was rampant, and I prepared to dress down the ex-mayor and make him play his best for only half-a-crown.

At 10.30 he was on the tee, and I walked out to meet him. He looked a short, thick-set, commonplace citizen with nothing of the gambler about him. But appearances are often deceitful. After a few words of greeting, I thought I would get to work, and said with some emphasis, "I will play you for half-a-crown, sir, and not a penny more."

He looked up astounded, and gasped out, "I beg your pardon, sir."

"Half-a-crown," I repeated, and to ease his disappointment I added, "I don't mind a shilling on the bye."

"Sir!" he said, drawing himself up to what height he could and speaking with scornful dignity, "This is a very unseemly joke. I have never made a bet in my life, and I have a poor opinion, sir, of

anyone who wishes to make so fine a game as golf the subject of betting. I am president of our Anti-Gambling League."

With that he drove off a fine drive, and I topped the ball feebly into the rough. From the club-house came the congratulatory laughter of many Publicans at the discomfiture of the Pharisee.

It would be wrong indeed if I were to picture Manchester as a city where the most eminent citizens were kill-joys, and where the men wore broad phylacteries in their buttonholes when they went on 'Change. On the contrary, I speak of the Pharisees as merely a small but powerful element in the community. For in no city were there more men of the world who loved to do good with a merry heart and enjoy the give and take of hospitality with their comrades and brother sinners. Manchester men know how to work hard and play hard. They are early risers, early closers, and early diners. If you were a stranger wandering through the streets after 8 o'clock in the evening, you would think you were in a deserted city; but put your head into the Free Trade Hall, and it will be packed for a concert; ask for a seat in one of the popular music-halls or a cinematograph show, and you may not get one; you will even find people at the theatre—quite a throng if it is a musical comedy—such a varied taste has Manchester in entertainment.

But if you want a really delightful evening go and dine with one of the societies or clubs whose annual dinner is being held at one of Manchester's best inns.

It may be the Statistical Society or the Playgoers Club or the Edinburgh Academicals, but it will not really matter. For whether it be statistics or drama or scholarship, I can promise you both fun and good fellowship. And I say this with honest certainty, that there never was a more hospitable place than Manchester, and there never were public dinners with less dulness and boredom about them. I don't know that the after-dinner speaking was any better than it is in other places, but there was a jollity and abandon about it difficult to convey in writing, though pleasant enough to remember.

Sir John William Maclure was always a great figure at a banquet, both literally and physically as well as socially, and ready enough he was either to take a jest at his own expense in good part or to pink his adversary with an epigram. I remember one excellent score he made off myself. Maclure was the acknowledged impresario of the Tory party, and was rather proud of the fact. He used to deny with mock-modest emphasis that every appointment of recent years was made through his influence. "But very nearly so!" he added. It was at a grand jury dinner, where I sat next Sir Joseph Leese, the Recorder of Manchester, and in proposing Sir William Maclure's health I taunted him with the discomfort he must feel on seeing Leese and myself present, and knowing that we were the only two jobs in Lancashire with which he had had nothing to do.

"Ah!" said the genial baronet as he finished his reply, "it is correct, and it is a sad truth, no doubt greatly regretted in Lancashire, that I had nothing to do with the appointment of the present Recorder or the present County Court Judge. I have the greatest respect for those two gentlemen, but I must correct his Honour in one particular. He referred, no doubt in jest, to the two appointments as two jobs. May I put him right? Sir Joseph Leese's appointment was not a job."

In his more expansive humour, Sir John William was quite Falstaffian in his addresses. I remember at a dinner given by a Society of Accountants to which he had come from London, he expatiated on the difficulties he had had in coming down at all. "I must tell you, gentlemen, that Mr. Balfour said to me, 'Sir John, it is impossible to carry on the House if you leave us.' 'But, sir,' I said, 'I have to dine with the Manchester accountants.' 'Ah,' said Mr. Balfour, 'then I won't keep you; but tell that excellent body from me how much I admire them.' (Great cheering.) But that is not all, gentlemen. In Westminster Hall I met Lord Salisbury, and I had the greatest difficulty to get away from him. He wanted me to come down to Hatfield with him. I said, 'What, my lord, and break my word to the Manchester accountants?' 'No,' said Lord Salisbury, 'of course you mustn't, but I tell you what you must do; you must tell them from me that without accountancy the nation would be ruined.' (More cheering.) But, gentlemen,

it did not end there, for at the railway station I found there was a special train just going to Sandringham. I was sent for, and the Prince of Wales was gracious enough to request me to come down and spend Sunday with him. 'Sir,' I said, 'such a kind request is a command, but I have promised to be with the Manchester accountants to-night.' 'Not another word, Maclure,' said the Prince. 'Keep your appointment, and tell the Manchester accountants that in my view they are the backbone of the nation.'" (Long and continued cheering.)

Later in the evening a speaker of no particular account, who spoke in a diffident, somewhat halting way, said he did not move in the select circles that Sir John William Maclure did, "but," he continued, "I happen to know on the highest authority the regard in which he is held by the greatest in the land. I was strolling in the gardens in Windsor the other day, and a Scots servant in a kilt came up and asked me if I came from Manchester. I said I did. 'And do you know Sir John William Maclure?' 'Very well,' I replied. 'Come with me then,' he said, and he led me into a beautiful drawing-room in the Palace, in which I found I was in the presence of Royalty itself. After a courteous greeting I was asked what I knew about Sir John William Maclure. I drew a noble picture of all the virtues and attainments which endear him to Manchester men. When I had finished, the gracious lady said, with a sigh of relief: 'You have taken a great load

off my mind, for I was not at all sure that he was a good companion for Albert Edward.' "

Fair play for Maclure, he enjoyed the chaff as much as anyone. And that was one of the happy traits of after-dinner in Manchester—everyone was there, like a schoolboy, to make fun or take fun in good part. And, perhaps, the most admirable feature of the whole thing was that even if there were reporters present, they were always clever enough to pick out the sense of the speeches, and leave the wilder flights of humour to the pleasures of memory.

Alas, John William's jovial face smiles at us no longer, and too many of the good fellows who were guests at the board are shadows of memory. But fond as I was of the older days, and loyal as I am to the memory of the older men, I am not going to praise yesterday at the expense of to-day. I think the same right spirit of enjoyment still holds good, and I hope it will always be true to say that no one will find himself in touch with Manchester who cannot thoroughly enter into that "joyous folly that unbends the mind," which is Manchester's habit after dinner.

CHAPTER XVI

THE MANCHESTER STAGE

In other things the knowing artist may
Judge better than the people; but a play
(Made for delight, and for no other use)
If you approve it not, has no excuse.

WALLER: "Prologue to the Maid's Tragedy."

A GOOD history of the Manchester stage remains to be written. Theatrically, the city has a very noble past, and there are many signs that its future may be equally illustrious. Probably the red-letter day in the annals of the Manchester stage is October 15, 1864, when Charles Calvert, with a performance of "The Tempest," started those ten years of Shakespearean revivals which are now noteworthy in the wider history of the drama of England. I once heard a lover of art, who was also a banker, say that Manchester had but three things to her credit, the Rylands Library, Ford Madox Brown's frescoes in the Town Hall, and Charles Calvert's Shakespearean revivals. I told him that he did not know the water-colours in the Whitworth Gallery or the old-world romance of the Chetham Hospital, and he was bound to admit, after inspection of these securities, that he would have to increase our artistic overdraft.

The drama owes many debts to Charles Calvert. He was the first to recognise the merit of Henry Irving, and engaged him for the stock company at the Theatre Royal in 1860.

"Why on earth did you engage that raw fellow?" asked an influential friend of Calvert at a rehearsal. Calvert looked at Irving, and theatrically touched his own forehead, intimating that he considered that Irving had brains, and that that was the reason of the engagement. Those five years which Irving spent in the company under Charles Calvert must have had a deep influence in moulding his ambitions and educating his ideals.

But in 1886, when I came to Manchester, the old stock companies were gone and forgotten. The days of the touring companies were in their prime, and the *cognoscenti*—they would not like to be called merely the "knowing ones"—deplored in eloquent prose the splendours of the theatrical past. Had they aspired to verse they would have sung with Wordsworth:—

> "A jolly place," said he, "in times of old;
> But something ails it now: the spot is cursed."

Yet speaking as one whose duty it was to go to the theatre every week and write about it, I doubt if any city had better theatrical fare than Manchester in the later eighties.

For in those days, mind you, we were a humble people. Those learned young gentlemen who can see no theatrical merit in the leading London actors, and will find no virtue in a play that entertains the

general public, had not yet left those dour Nonconformist nurseries, where doubtless they were raised. It was, if not a better world, certainly a merrier world, and the poor, old-fashioned, uneducated pagans in it actually went to the playhouse after a hard day's work in search of entertainment. What is more, they got it. And being good judges of acting, and keen about the actor's art, there came to meet them a never-ending procession of the best actors from London, bringing down their own companies in pieces that had met with success in town.

Turning over some playbills of 1887 it is impossible not to realise that the theatre-goer of that date had the opportunity of seeing a higher and more varied standard of acting than it is possible to witness in the Manchester of to-day. In that one year we had Mr. Farren, that master of old English comedy, in his three greatest studies, Sir Peter Teazle, Sir Anthony Absolute, and Lord Ogleby. One wishes Charles Lamb could have lived to see Farren, and describe his Sir Peter. Lamb only saw King, the comic, fretful, old bachelor, but left on record his judgment that Sir Peter was to be played as a real man, a neighbour, or old friend, which judgment Farren put into execution. Then Miss Mary Anderson was on tour with the most ardent, handsome, and intelligent *jeune premier* of our time, Forbes-Robertson. They were playing "Pygmalion and Galatea," "Romeo and Juliet," and "As You Like It." Barry Sullivan was still with us, and those who never saw him in

"Richard III." and "The Gamester" will not be able nowadays to realise what was meant by the "high and palmy" school of acting, and what were its merits and shortcomings. Up against this interesting memory of bygone acting was young Benson, with his fresh, intelligent, new methods and clever comrades, capturing the hearts and winning the intellectual sympathy of an ever-widening circle of play-goers.

In the same year, too, Wilson Barrett brought "Claudian" and the "Silver King," with the company and scenery that he had with him in London and America; Toole and Edward Terry paid us regular visits, and Mr. and Mrs. Kendal gave us a notable revival of "Lady Clancarty." Sarah Bernhardt paid Manchester a flying visit with performances of "Adrienne" and "Theodora"; and last, but not least, Henry Irving and Ellen Terry rejoiced the hearts of Manchester playgoers with what we always regarded as the festival week of our theatrical calendar.

When I hear people groaning over the theatre in the provinces of twenty-five years ago, I would ask them to read that list of events and honestly say whether the programme of to-day can beat it. It may be said that there are no such stars in the firmament to-day, and, therefore, they cannot shine upon Manchester. But that is not wholly true. There are great actors to-day and great productions, but nowadays they are not brought to Manchester.

The main reason why that is so is probably a

commercial one. For some time a dead set was made against "eminent" actors and their London productions by mistaken friends of another type of drama. Certain writers on the drama in Manchester made themselves "laughing stogs to other men's humours," as a Welshman may say, by exalting the players on the eastern side of Peter Street into a glorious company of apostles, and deliberately tormenting the actors on the western side of the thoroughfare as though they were a noble army of martyrs. No doubt it injured business, and kept some of the bigger actors away from Manchester.

But, in my view, the great days of touring companies in the provinces are over. A London success now has a bigger chance in Australia and a less certain but, of course, more remunerative chance in America. And although a run round some of the big towns in England may be included in the future plans of the more popular actors, yet I think it is quite unlikely that Manchester will ever see so many first-rate performances on the road as there were in 1887. Nor is this altogether a matter of regret. I have always been an optimist about the English theatre, and have never believed that it would fall into the hands of either financiers or cranks. And in watching the evolution of the theatre in Manchester it has been manifest for a long time that some form of repertory theatre was on the way.

The beginnings were made, I think, in 1893, when Mr. Louis Calvert produced "A Blot in the 'Scutcheon" for Mr. Charles Hughes, who, as chair-

man of Convocation of the University, gave a theatrical party to his guests. He was the leading spirit of our Independent Theatre, which produced "Candida," "The Master Builder," "Love's Labour Lost," and "The Two Gentlemen of Verona" without scenery, and many other interesting plays, in 1894. Louis Calvert was also associated with Flanagan in the earlier Shakespearean revivals at the Queen's, whence he was spirited away by Sir Herbert Tree to act in and assist him with several memorable Shakespearean productions in London. Robert Courtneidge, too, must not be forgotten as a Manchester manager, who, at the Prince's Theatre, gave two beautiful and reverently intelligent productions of "As You Like It" and "A Midsummer Night's Dream." In these editions everything was done for the text and the play, and the actor's art was not hampered, but the adornment, exquisite as it was, clothed the drama without overwhelming it with finery.

These were the forerunners of Miss Horniman's Repertory Theatre, which has won for Manchester such renown in the world of the drama, coming as it did at exactly the right moment, and coming—as surely it has come—to stay.

I am not one of those who has ever indulged in extravagant hymns of praise over any of the particular plays and artists of the Manchester Repertory Theatre. I think its greatest enemies have been its "die-hard" friends, who insisted, in season and out of season, that every actor and actress upon its

stage was a genius with a consummate knowledge of technique, and that every play produced by a local playwright could only possibly have been improved upon by some Belgian or Dutchman. As I have always said, the acting is so good and many of the plays are so interesting that they deserve to be judged by the highest standard, and, to my mind, the highest standard of acting and production is to be found in the London theatres. There is no doubt that the old stock companies had a great advantage in coming in contact with the star actor from time to time and playing with him. In the modern repertory theatre this is not so. There must necessarily be a certain touch of the amateur in a repertory company. For myself, I recognise it, and I like it, but I see no use in telling an amateur that he or she has great technical skill and nothing to learn. One does not expect to find a series of golf champions on a local green, and we should not expect or pretend to a series of star actors in a repertory company.

When the repertory system becomes more universal, and broadens out on the wide healthy lines of providing entertainment for all classes of people and giving smaller proportion of time, say one day in seven, to the cranks and pulpiteers of the drama, we shall find the repertory theatres getting a greater hold on local patriotism, and one by one growing stronger in good work and higher ambitions, until at last they unite into what will be in truth, as well as in name, a national theatre.

There is one thing in which I heartily agree with the expressed opinions of many well-known actors. The Manchester audience is a great audience. Once captured and really entertained, the Manchester audience is a fearless and loyal friend. I have often been delighted to read in local critical columns the solemn excommunication of a play—especially an amusing play—and to note the pompous warning to the audience that if they are amused by this kind of thing they condemn their mental condition, and their moral purpose is ended; and then to go into the theatre and hear a Manchester audience in thorough enjoyment of what their guardian high priest has forbidden. Only the other day I read that "Our Boys" visited the Gaiety Theatre, and the play "*mirabile dictu* went amazingly." The Manchester digestion is good, its appetite is healthy, and many years of theatrical diet akin to the highest and most moving cheese has not destroyed the taste for a slice of honest plum cake. This kind of pedagogic critical literature is like the leader-writer's essay. It fills the columns of the newspaper very decoratively. But when the polling boxes are turned out on the table and the votes are counted, you can appraise its value. It is the box office that speaks.

I am pleased to remember that on the few occasions I have ventured on dramatic productions I have had the Manchester audience with me. Perhaps they carry toleration too far, but I state the facts as they occurred. It was always certain to my mind from the days when I ran a toy theatre and

cut the characters out of cardboard—would that some of the live actors could be cut out of their cardboard!—that I should some day produce a real piece of my own in a real theatre, but I had waited so long about it that really the ambition had nigh gone to rest. It was Louis Calvert who aroused it when he was staying with me at Nevin, in North Wales, in 1900. "Why not write a play?" he asked, and, of course, I responded too readily to the suggestion, and no sooner was his back turned than I was astride my hobby-horse and galloping round the history of the world in search of a subject.

I reined up in the paddock of her gracious Majesty Queen Elizabeth, where I had always felt at home since I failed to gain a prize for her biography at the early age of nine. I wrote a splendid play about Queen Elizabeth. It was quite modern in its construction. Everyone sat down and talked as long as he or she wanted to, and went in and out without any dramatic reason. There were very many acts, and as many scenes to the acts as Shakespeare himself could have supplied, and there was a lot of real history in it lifted from Froude. It was a valuable human document, and from the standpoint of the elect of to-day it was a play. I doubt, however, if in its original form it would ever have been produced. The supply of that kind of thing seems far larger than the demand, and my ugly duckling got turned into a really well-behaved swan through Louis Calvert's collaboration.

"Collaboration" is a form of literary wrestling that

is delightful exercise, but can only be indulged in with advantage by good-tempered friends. My partnership with Calvert began in this way. I took the script of my play up to London, and read it to him. I did not read all of it, for it was a warm summer afternoon, and he fell asleep before I was a quarter through with it—somewhere about Act ii., scene 7, if I remember right. In the end he dismissed it with costs—the costs taking the form of breakfasting with me the next morning at my hotel. I remember we had curried chicken for breakfast, and I have mentally associated curried chicken and dramatic construction ever since.

It was during his second helping of chicken that Calvert suddenly announced that there was an "idea" in my play. The words, the history, the construction, and everything else were useless, but the "idea" was there. At the time I thought this estimate unduly pessimistic, now I regard it as glowing with the warmth of friendship or curry or both. Louis Calvert reduced the "idea" to its lowest common denominator of four scenes. With easy hand he unbarred the gates of light and extinguished by the brilliancy of a few suggestions the petty historical sequences that I had borrowed from Froude, and within a few months out of the ashes of my old play arose "England's Elizabeth," which was produced at the Theatre Royal on Monday, April 29, 1901.

I remember that first night very well indeed. There was a crowded house, and I was eager to see how far the play was going to interest the public. At the same time I had some doubt how far I was

entitled to take a prominent part in the proceedings as half the author of a play on its first-night production. I felt rather like a father at a christening, proud and happy, but ready to give the real credit of the affair to my partner.

I happened to find myself in a box with my back more or less to the stage, and I found that I could best measure the way the piece was going, as I used to do speeches to the jury in the old days, by fixing on the most unpromising face in the jury and watching it closely to see if it developed any interest in the proceedings. I chose an old gentleman in the third row of the stalls, who turned out to have a very kindly nature, for he began to enjoy himself in the first scene, and refused his wife's entreaties to come away and catch his train in the middle of the last act.

One performance among many good ones stands out in my memory. It was that of Mr. Edmond Gwenn as an old gardener. During the rehearsals Mr. Gwenn, no doubt in the interests of the piece, had uttered sentiments of his own, which in my conceited way I thought inferior to the words I had written. Diffidently I approached him on the subject, and suggested that beautiful as his words were mine had a sort of first mortgage on his attention, as being prior in date if not in relevance. With great charm of manner Mr. Gwenn assured me that on the first night I should have every word as written, and I shall never forget not only hearing the words, such as they were, but having contributed to the success of one of the most perfect pieces

of character acting I ever witnessed. Some day "England's Elizabeth" will be discovered. I know it is a good play, for many years afterwards a scene-shifter in London asked me after it, and assured me that he had seen "a good deal of it" when he was at the Theatre Royal. Moreover, the lady who took the coats and hats told me that she had seen it several times, and always went in at the end of the last act to cry. These testimonials are unanswerable. Anyhow, the play is worth reviving if only for its first gardener.

It was a popular success with its first-night audience, and at the end of the play I was hurried into the wings, and Mr. Calvert and I went forward and made our bow. It was not a joint bow, we each made one of our own. Calvert's was far the best, mine was but an indifferent affair, and then when the curtain went down there were cries of "speech," and Calvert insisted that I must go on alone and say something. I must have been very nervous, for I made a wretched mess of it. What I really intended to say, of course, was that all the best things in the play were Calvert's; but what happened was that having thanked the audience for our kindly reception, I concluded: "I have often been asked as to this collaboration, which parts of the play I have written, and which parts Mr. Calvert has written. I can tell you in a sentence. All the parts that you have enjoyed are mine, the rest are Calvert's." There was a yell of delight. I made a really beautiful bow this time and retired to the wings, where

Calvert was shaking a friendly fist at me in histrionic anger.

Since then I have been in at many first nights in which I was interested, and several of them have been in Manchester, where, as I have already said, I have found a kindly welcome. And although I have no cause to complain, but rather the reverse, of any want of kindness in any audiences to whom I have submitted my work, I must admit that I think the dullest first nights I have ever attended are those of a play intended to be amusing which is produced in London. For the house is full of guests, most of whom are regular diners-out at meals of this kind, with very little appetite for ordinary cake, or else they are critics on duty. And at no time are these latter more to be pitied than on the first night of a farce. If they went to be amused they would cease to be critics, and as they go to criticise they are little likely to be amused.

I have been at two first nights of farces in which I was interested. What I have seen is a strenuous battle between the actors and a great part of the audience, a sort of tug-of-war to see if the actors could tug any laugh out of the weary play-goers in front. In the two battles I witnessed, the actors won. In the first of them a curious incident occurred. A well-known and ample author—let us hide the breadth of his identity behind the letter C——— —not being to the manner born of first nights, was so tickled at the early humours of the opening scenes of "What the Butler Saw" that he laughed by

himself in his unprecedented radical way all through the first act. His laughter was like a minute gun at sea, exploding at intervals amidst unechoing icebergs. There from the second row of the dress circle came the laughter of a kind heart as the merriment of a little child expressed in the music of a bull of Basan. The sound of it frightened the actors horribly, and my friend and collaborator, Frederick Mouillot, rushed round to the stage to assure the terrified artists that it really was laughter. For apparently it is not etiquette to extend any sort of notice to the first act on a first night. But later on everyone joined in and stooped to enjoy the fun for the moment, though C—— continued to lead by several octaves.

Some day in a better world I hope to write as funny a farce, with as excellent a collaborator as Mouillot, and to have it as well acted, and I shall play it in a big theatre with the roof off. And there shall be no one in front but shall have the heart of a little child and the lungs of a giant. It will always be a dull thing to produce a farce written for young hearts before an audience with wrinkled livers.

And I think one of the most amusing judgments ever made after one of my Manchester first nights was delivered by an anonymous amateur critic on a post-card, which was placed upon my desk as I started my work in Quay Street on the morning after the production of "The Captain of the School." I have received many absurd anonymous communications in my time, for there are a great many folk whose only taste in life seems to be to expand the

postal revenue in this fashion. Some of them are crudely coarse and objectionable, but this post-card breathed a genuine sincerity and honesty of dispraise that was admirable. It ran :

A VOTER.

Sir,—I went last night to see your play. It was like your verdicts—Rotten !

Rough on the playwright, of course, but does it not contain a subtle compliment to the Judge? I extend to my anonymous correspondent my best thanks. No post-card that I have ever carried about in my pocket has given greater pleasure to my friends.

That first night of " The Captain of the School," on November 14, 1910, had a keen interest for me, inasmuch as it was the first appearance of my daughter, Miss Dorothy Parry, so that, as it were, from a domestic point of view we were having two first nights at the same time. She made an excellent success, which she repeated in London and elsewhere; but certainly she ought to agree with my appreciation of the Manchester audience. May it be my good fortune to risk another argosy among its friendly waves before the end of the last act.

CHAPTER XVII

QUOTATIONS FROM QUAY STREET

The art of quotation requires more delicacy in the practice than those conceive who can see nothing more in a quotation than an extract.

ISAAC DISRAELI: "Curiosities of Literature."

AT the corner of Byrom Street and Quay Street was the Manchester County Court, as I knew it, from 1887 to 1894, as a barrister and afterwards from that date to 1911 as judge. I must have spent a great portion of my waking hours within its dreary walls. Often do I walk down Peter Street in my dreams, and find the same officer on point duty holding up the traffic like the waves of the Red Sea in order that I may cross Deansgate with dignity and he may deliver an elaborate salute; but following the pleasant desultory fashion of dreamland I never actually reach the old Court, but wander away elsewhere. I do not think when I am departed I shall ever return to haunt the court-house, not merely because it is noisy, ill-ventilated, and uncomfortable —most court-houses are—but because if I once got back there I should want to be at work again, and to take a hand in what was going on, for despite all the dreariness of its somewhat squalid routine, I found a percentage of entertainment in the day's work.

I think the real reason spirits do not return to their old haunts is that they know that they would not be allowed to cut in and take part in the game.

I was on the point of saying I had no unpleasant memories of Quay Street, but that would scarcely be correct, for it was in that court that I had the misfortune to be shot. One does not care to remember the tragedies of life, but if one is to set down the happenings of one's Manchester days one can hardly leave out such an extraordinary occurrence. The facts as I understood them were these. On the morning of July 26, 1898, I had to cancel the certificate of a man named William Taylor. The case had lasted very late the night before. After the decision and just as the next case was started I became aware of what I first thought was a dynamite explosion close to my left ear. The second explosion, which caused me intense pain, I recognised to be a pistol shot, and the bullet from that I carry about with me still. The third, which gave me even greater pain, never hit me at all, for Henry Thomason, with magnificent bravery, had caught my assailant by the throat, thrown him on to the floor, and the third shot, in fact, went into the plaster on the opposite wall and then out again into the middle of the court. I must have tried to drag my head out of the way and so hurt myself. I never absolutely lost consciousness, and remember Montgomery, the surgeon who happened to be in court, examining my throat and saying "there was no perforation." I hadn't an idea what he meant, but it sounded reassuring.

There is no object in recalling the long months of pain that I had to go through before I was fit to work. It is pleasanter to remember the enormous kindness shown to me by all sorts and conditions of people during those grievous days. In the nursing home they very soon made an effort to photograph the bullet with the X-rays, which were then only beginning to be used. It was a terrible ordeal in those days, and I should think I was over twenty minutes trying to lie still on a couch with a square negative for a pillow whilst the light spluttered about in a most unpleasant way. When it was developed they showed me a blur with one indistinct blob on it.

"What is that?" I asked.

"The bullet," said the doctors.

"And have you photographed all the metal in my head?"

"Certainly."

"Then where is the portrait of my gold tooth?"

I never got an answer to that, and the doctors took away the photograph, which I always maintained was only of interest to dentists.

A year ago I thought I would make a further investigation and went down to Birmingham, where my friend, Dr. Franklin Emrys Jones, with his partner, Dr. Hall Edwards, made several radiograms of it. Dr. Hall Edwards was in South Africa during the war, and was specially interested in bullets. It is marvellous, after all he has suffered in the pursuit of radiography, to see him, maimed and in pain,

directing the work with the greatest enthusiasm. The modern engines are more terrifying to the victim, and the affair is somewhat uncanny, for when the light is turned on the operators retire behind a lead-glass screen and watch you from afar. But it was all over in a few minutes, and very soon they returned with a negative in a dish, not a flattering likeness, perhaps, but an excellent picture of a side view of my skull and the bullet at the base of it.

I had plenty of doctors to look after me, and they were kindness itself, Wright and Southam and Judson Bury were with me at Quay Street, and Dr. Larmuth came up and put my ear-drum back in its place. It had got blown aside by the concussion of the revolver. I think that depressed me more than anything, for I knew if I was deaf I should never get back to work again. It was the left ear, and one of my early visitors said to cheer me up, "That doesn't matter, judge, that's the defendant's ear, and you never listen to him, you know." "That may be," I said, "but there is all the difference between not listening and not hearing when you do listen."

After some weeks I got down to Nevin, in North Wales, but it was extraordinary what a long time it was before I got over the shock. Of course, for many months I was often in pain, but with every desire and incitement to get back to ordinary life I found I had not, at first, the will to do it. I remember Dr. Leech, who was making a tour of that part of Wales to write an essay on its climatology,

came up to see me, and was insistent in his kindly way upon my having a swim. I had had to grow a beard, and I looked like an Anarchist, and I hated going about, because people stared at me. However, the next day I crawled down to the shore with Dr. Leech, and with the aid of two sticks walked into the sea. I regarded the doctor as a manslaughterer at the time, but when I came out rejoicing and walking ever so much better I knew I had won the first victory. The second was over my bicycle, which I knew I couldn't possibly ride, and very nearly didn't in consequence. After that I got bold and went swimming out a bit until a six-inch wave knocked me on the side of the head, and reminded me that I was very far from being whole.

I recall these things because I have often found them useful to refer to in those difficult cases of neurasthenia and malingering in workmen's compensation cases. Here was I, with every incentive to recovery and every desire to recover, and every opportunity that human being could have, bungling the affair from want of the necessary will power. I learned that after a severe shock it is a really tough job for an honest man to get himself back into condition, and that long after wounds and limbs are healed or mended there remains a real mental indisposition to look the world in the face again that is hard to overcome. Even to-day, though all the effects of the accident have practically passed away, I cannot sit still if anyone suddenly opens a soda-water bottle at the back of me, and I am distinctly gun-shy.

I got back to work in November. It was too early, and I broke down again, but I did get back to work and was able to do it. I could not have stood a formal greeting, but a great many friends came down, and there was quite a crowded court as I took my seat. I had arranged with Charley McKeand that as soon as I took my seat he should jump up and ask for some imaginary case to be adjourned to prevent anyone starting an oration. This was done. A few days afterwards Joseph Collier, the surgeon, told me an amusing anecdote about it. "I was coming down Byrom Street," he said, "and the officer at the door, whom I know, called out to me, 'Hi, Mr. Collier, you'd better coom into coort this morning. There's gran' doin's on. Judge Parry's taking his seat again, and Charley McKeand's down, an' 'e'll be makin' a fine pow-wow. You see.' So I went in," continued Collier, "and as you know, nothing happened. When I came out I jeered at the policeman, who seemed quite upset. 'I never saw the like of it' he said. 'After all that's 'appened, and 'im so well liked and aw, and they make no more fuss than if he'd just been off the bench to have a drink like usual.'"

I think the officer referred to the luncheon interval. There were certainly no other adjournments, even on the thirstiest days, though Collier often used to chaff me about it. However, I soon had a good story against Collier. There had been an accident to a workman, which was said to have esulted in concussion of the spine. The workman

was a very stolid character, and Collier had examined him for the insurance company. The following cross-examination took place :—

" Do you remember Mr. Collier examining you ? "

" Aye, I do."

" Did he stick a pin into your thigh ? "

" Aye, 'e did an aw."

" Did you start up and scream ? "

" Well, so would you."

" But hadn't you told him your thigh was numb and had no feeling ? "

" What's the good of telling 'im onything ? " said the witness, pointing contemptuously at Collier. " That's where doctor made 'is mistake. I told 'im I were numb i' front, and what does 'e do but go and stick a pin into my backside. 'E's no doctor."

When the case went to the medical referee Collier's views were upheld, though I always used to warn him against the danger of sticking pins into the wrong part of the human joint.

I could fill many columns with pleasant memories of our works and days at Quay Street. The Registrar and his clerks and the high bailiff and myself were a very happy family, and despite our somewhat gloomy surroundings we managed to put a good deal of cheeriness and heartiness into our work. It is not for me to say how far we succeeded, but this I may say for the Court, and I chronicle it with pride, that I believe it was the only Court in England that had a cricket team with a card of fixtures, and regularly played a high bailiff and a judge.

And, on the whole, I think the staff, from lowest to highest, worked hard to make an efficient machine of it and certainly the affairs of the poorer people were thoughtfully administered, and the Registrar and chief clerks did a lot of work in looking after the estates of the widows and orphans in cases under the Workmen's Compensation Act. Personally I used to see each of the widows once a year at least, and by keeping in touch with the family doings we were often able to give a child an appropriate start in life which he or she would never have had if the money had merely been invested and automatically paid over. Not every experiment was a success, of course, but the experience satisfied me that the death payments at least were a very great boon to the working class, enabling a widow to save her home and the home life for her children in a way she could not have done before the passing of the Act.

No one dislikes grandmotherly interference more than Manchester folk, unless it be Salford folk, but in dealing with large and unaccustomed sums of money it is a good thing that the widows and orphans should have the co-operation of the Court. Naturally many of these poor widows have short views, and cannot see far enough ahead to the days when what to them is indeed a bottomless purse shall be found to be empty. It is very difficult to prevent them rushing into businesses for which they are ill-fitted. They are surrounded by agents and friends, who have some unsuccessful business—generally a fried-fish shop—to sell at a high price, and both buyer and seller are

indignant with the hard-hearted and unbelieving judge when he wants to see books and invoices, and to have proof of the weekly takings before he will allow the widow to invest her money. To the widowed soul, fried fish is synonymous with fortune; to me it always smells of fraud.

I cannot say that all our battles with ignorance and shiftlessness were victories. We got badly hit on occasion. I remember in my early days a young widow, who had re-married, coming with her husband, a handsome young fellow, with letters from relations from America, and a scheme of going out there, where work was plentiful. It seemed an excellent plan, and after some discussion all the figures having been put before us by the young man in a business-like manner, a big sum was handed out for the equipment and travelling expenses of the family, and the remainder was to be sent over when they arrived. Months passed and we heard no more of them, and at length one day the clerk told me the woman had turned up in the office, with a black eye and a new baby. They had not been nearer to America than Blackpool, and the man had never done a stroke of work until the money was spent. That was one of our failures. Since then we have worked through an emigration society or taken the tickets ourselves. It has been notable that on several occasions when I have told the applicants that we would take their tickets and make all the arrangements they strongly persuaded me not to go to the trouble, and seemed quite pained that they should be the cause of so

much extra worry. Indeed, finding me adamant on the subject, they have thrown up the idea of emigrating altogether and stayed in the old country.

Tombstones are the source of a great deal of difficulty. Seeing the example set in high places, one sympathises with the poor in their desire to show respect to their dead, even if one is convinced that the measures they take are unwise. I generally like to postpone the drawing out of money for a tombstone as long as possible; but I have never made any hard-and-fast rule that nothing shall be used for such a purpose. I remember one widow grieved very much that I could not allow her a considerable sum for a "stone." I told her we would discuss it again in about twelve months. When she returned after this period I happened to remember her trouble, and said: "I do hope, Mrs. X., you have thought over all I said to you last time about the tombstone."

She looked down on the ground, and I feared we were going to have tears.

"I think there are so many better ways of showing respect," I ventured.

"Yes, sir," she began falteringly, "so do I, sir."

"I'm very glad," I said heartily.

"So am I," she said, blushing. "You see, I'm going to be married again."

And though one laughs over the little comedies in the lives of these poor folk, I became daily more and more impressed with the sterling worth of the people whose servant I was, and I spoke

with all sincerity when I said, on leaving Manchester, that I took off my hat to the Lancashire man who brings up his wife and children worthily on twenty-five shillings a week. I have been face to face with the man, and feel that his outlook on life is a great asset for our country, and that it has been a privilege to be called upon to minister to his needs, even in the obscure atmosphere of an urban County Court.

As a witness, he is a most refreshing and epigrammatic personality. He is far from being a saint or a hero, but he is in the main honest, homely, and humorous, and you can learn a great deal of the difficulties of his works and days by appreciative study of his sayings. Most of them could have left the court with a clear conscience, saying in the old style :—

An' I niver knaw'd what a mean'd, but I thowt a 'ad summut to saay,
An' I thowt a said whot a owt to a said, an' I coom'd awaay.

Here, for instance, is a melancholy epigram on Manchester as a city, where sane human pleasure should be catered for by the rulers and governors. It occurred in the cross-examination of a workman by that excellent advocate, Mr. Hockin. He was seeking to show that the witness was not present at the works when an accident to which he was testifying had happened.

" But I think that you said you had a holiday that day."

" I had an aw ! "

" Do you mean to tell the Court," asked Hockin,

in his most archdeacon-like manner, "that you came back to the works when you might have been enjoying a holiday?"

"Certainly," replied the witness.

"Why did you do that?" asked Hockin, with a touch of triumph in his voice as if there was no possible explanation.

The reply was only too obviously truthful.

"What should I do? I have nowhere to go. I'm teetotal now."

It requires quite a long and subtle study of the Lancashire witness to really understand when he is condescending to incivility, though many of his phrases might too hastily be interpreted against his sense of good manners. An excellent old brewery collector was trying to recover a lost barrel, and was quite unable to show me documentary evidence of its residence in the defendant's house. I was cross-examining him about it, and could get no satisfaction.

"When was the beer sold?" I asked.

"I don't know."

"Was it several years ago?"

"Nay, but I don't know."

"But I must know the date," I replied sternly.

He folded his hands in despair at my unreasonable obstinacy and sighed deeply, and speaking with slow emphasis said: "Then all I can say is that you'll have to go down to the brewery."

I shall not easily forget the entire change of scene caused in a small County Court drama by a very

Lancashire witness. The plaintiff was a south-country chemist's assistant, most dapper and polite —a very Osric of the pharmaceutical world. His employer had dismissed him for drunkenness. On the view it was hard to believe that the plaintiff had vigour enough for any such delinquency, but his testimony, given in a mincing voice, was a little suspicious.

"I assure you, sir, that I have the misfortune to suffer from asthma, and my doctor has ordered me to take whisky on these foggy mornings, that are so severe in this climate. I am a very temperate man. I need hardly say, sir, a very temperate man. A lady came in for a syphon, and I gave her one. She thought it was soda, and it was lemonade. It was entirely the lady's error, and that seems to have annoyed the lady. It does annoy ladies, and she seems to have got the impression—of course, an entirely mistaken impression—that I was not, in fact—sober. Your Honour will know what I mean; but, of course, a mistake, a sad mistake and the lady unfortunately sent word to my master and he came down and was very violent, and threw me out of the shop."

The defendant said the man was drunk, and proceeded to call witnesses. The lady was ineffective, but a working man called on subpœna and a very unwilling witness put the matter beyond doubt. We had no advocates, so I told him to tell his story in his own words.

"I dunno reely much aboot it," he said, "I wor

passing shop an' 'ad a bit o' cough mysen, so I went in for twopennoths o' balsam. An' when I got in t' shop I saw yon mon "—pointing to plaintiff—" leaning up agin them variagated decorated drawers like they 'ave in them shops, an' I says to mysen, I says, ' 'Enery, you ain't tired o' your life yet, are you, 'Enery ? ' An' with that I cooms out wi'out ony balsam—an' that's all I know."

The plaintiff, who had little dramatic instinct, insisted on cross-examining as to whether the witness was prepared to swear he was drunk, but the witness replied with true Lancashire charity and caution, " I 'oped as 'ow you was drunk, but, in coorse, you might 'a' been taking poison."

A very few months after I was made judge I got a homely rebuke from a suitor that led to an interesting reform in my conductof affairs. A man was telling me in moving for a new trial that he had got in the County Court on the day of the trial too late for the hearing. I asked him why he had not waited until the end of the day and made an application to me.

" So I did," he said, "but as soon as last case was over you jumped up and bolted through yon door like a rabbit."

After that I made more dignified exits, and I also arranged a practice of waiting and talking to everyone who was left over and had anything to ask, so I am grateful to my critic. I used to have many strange applications for advice, some quite beyond my power of satisfying. For instance, a working man came to me once with the most perplexing problem. " I

want to know," he asked, " whether I must call my little girl Ferleatta ? " I spell it phonetically, as he could not help me in the spelling, but I fancy the real name may have been Violetta.

" What has happened ? " I asked.

" Two young women as visited the missis during 'er confinement coom one neet as we were at tea. They takes the baby down to parish church and they brings it back ' Ferleatta,' an' I wants to know what are my rights."

I counselled consultations of a kindly nature with the young ladies, foreseeing litigation of a complicated and painful ecclesiastical nature.

Another poor fellow told me his adventures when I was sitting as Recorder in the Minshull Street Courts, and he was summoned as a witness. "First I went down to the County Court an' they tells me to coom up here, an' I gets into the Police Court and an officer tells me to cross the bridge, an' I lost my way an' got into the Coroner's Court, and they sent me out o' that and unfortunately I got among the solicitors, and they told me to go into the hall and wait till my name wor called—which it never wor called."

I forgave him all the trouble he had caused for sake of the word " unfortunately."

I am very sorry for a man who gets to the wrong court ; the summons is generally clear enough for the ordinary citizen, but to the less literate of the community it seems often a difficult problem.

If one had the faculty of painting genre pictures of " Our Street " in Hulme or Ancoats the County

Court is the place to find the incidents. A good lady, a little, short, fussy woman, was describing to me how she got a plumber's job done in her house. I could see the picture.

" Landlord tells me 'e couldn't get Thomas to do it, ' and,' says 'e, ' if you can I give you luck.' I went to Thomas's missus, an' I says, ' Where is 'e ? ' She says to me, ' If you don't find 'im in the beer-'ouse you won't find 'im at all.' With that I went to the beer'ouse an' I got 'im out, and I takes 'im up to the 'ouse. 'E wasn't for coming, but I sauced 'im all the way down Pimblott Street, an' 'e kept telling me whot 'e'd do if I was 'is wife."

Here is another recollection of a graphic story told by a woman witness. If unreliable at times, the evidence of women is generally full of good advocacy. This good wife gave me a very dramatic account of her husband's dealing with a Jew jeweller. The tallyman tempts women with drapery and men with jewellery. The wife turned up to defend the case, very wisely leaving her husband at home. The tallyman produced an order form with a cross on it alleged to be made by the absent husband. I asked the woman if her husband was a scholar. " No," she said, " David wasn't brought up to scholarship; he was brought up to hard work." Then she told her story. " Yon man," she said, pointing to the plaintiff, " his name is Isaacs, and he's by way of being a Scotchman, and I've had a shawl off him. Many a time he's tried to sell David a watch, and I told him I wouldn't have it. Well, he comes in Saturday

afternoon for a talk with a box of joollery. I remember the day 'cause he tripped over our door-mat and nearly spilt hisself, and he says to me, ' I'll have to be selling you a new door-mat, missus,' and I says to him, ' Our door-mat's plenty good enough for the folks that comes across it.' With that he laughed and gave me a shilling to get a quart at M'Ginnis's vaults, and when I comes back they was handling the joollery, and knowing how soft my husband is about joollery I made him put it back in the box afore I gave him the beer, and I can swear there was no watch there then. We all talked a bit and supped the ale, and then he and David went out. It was very late when David came home, and he came home drunk with a cigar in his mouth, but he never had no watch on him 'cause I put him to bed myself."

The case was adjourned for David to appear, but I never saw David, and I dare say the affair was amicably settled over another quart from M'Ginnis's vaults.

Some of the most amusing evidence is given in running-down cases. No Lancashire witness ever admitted that he did not understand a plan, but it is generally waste of time to trouble him with one. Counsel, however, will do it, and I was delighted once when counsel's own witness marked with a cross the scene of a collision between a tramcar and a milk float in the chancel of the parish church.

They are very dogmatic, too, about the miles per hour a vehicle is travelling, a fact that few can measure accurately. The following dialogue

between counsel and witness shows how worried and confused a witness may get about comparative pace, but his attempted recovery from the dilemma is at least ingenious.

"Where were you, and what were you doing?" asked counsel.

"I was walking along the Eccles Road towards Eccles at about four miles an hour."

"What pace was the trap going?"

"Very slow indeed," replied witness. "Say about three miles an hour."

"Ha!" cried counsel, triumphantly; "but the trap overtook and passed you—you forget that."

"I do not forget. It's you that forget," replied the witness with indignant assurance. "The trap was trotting; I was walking."

And it is because the bulk of the people who come before the Court are so bewildered by the forms and ceremonies of litigation, and so rarely do themselves justice in the examination and cross-examinations as at present conducted, that I want to see all this replaced for small affairs by some simpler and more domestic procedure. We should lose some of the comedy, no doubt, if we had our Courts of Conciliation and the judge were to try to make peace instead of giving a legal verdict in matters where there is very little right and plenty of wrong on both sides, but we should gain greatly in utility. And if anyone is in doubt whether there is room for such a court, let him go down to Quay Street for himself and verify these quotations.

CHAPTER XVIII

DEALING IN FUTURES

Do I sleep ? do I dream ?
Do I wonder and doubt ?
Are things what they seem ?
Or is visions about ?
Is our civilisation a failure ?
Or is the Caucasian played out ?

BRET HARTE :
" Further Language from Truthful James."

THERE are some who think that in Manchester the Caucasian is very much played out, but I am not of their number. I look back on the past history of the city and compare it with the present, and am still of opinion with Richard Cobden that Manchester is the place for all men of bargain and business. The gambling trade in bills no doubt belongs to London, but the real trade of making, collecting, and selling belongs to Manchester. For Manchester is the place where people do things.

It is good to talk about doing things, but better still to do them. As a great teacher used to say to his art students : " Don't talk about what you are going to do—do it." That is the Manchester habit. And in the past through the manifestation of this quality the word Manchester became a synonym

for energy and freedom, and the right to do and to think without shackles.

And as I say, there are some who think that the days of freedom and energy are gone, and that Manchester is "left as a cottage in a vineyard, as a lodge in a garden of cucumbers," but I refuse to be of their party. For as I have read of the past, so I look round and see here to-day the old eternal fight going on, the contest between those who think anything is good enough for Manchester and those who think nothing is too good for Manchester. For these contending spirits are the Genii fighting over the soul and the body of the Master of the Event.

And anon you find the good spirit in the ascendant, and a citizen raises an Owens College or a Whitworth Gallery or a Rylands Library that the name of Manchester may be magnified, and again the Evil Genie has gained the day and hardened the hearts of the rulers of the city, and they can only sit and talk and talk about necessary libraries and art galleries, having altogether lost the Manchester habit of doing them. And to those who are in despair about the hopelessness of the fight, let me recall that delightful American parable dear to my childhood, the Story of the two Frogs. There were, as I remember, two frogs who visited a dairy. One was an optimist and the other a pessimist. And the latter fell into a milk-can and swam about, gazing despondently at the shiny sides up which he could not crawl, and at last feebly ceased to struggle and sank to the bottom and was drowned. Now the optimist frog also fell

into a milk-can, and he too looked up at the shiny sides of the can, but he kept a good heart, and all through the night swam and kicked and struggled, until in the early dawn he found himself at the bottom of the can sitting on a pat of butter.

That kind of spirit is not only to be found in frogdom. Richard Cobden had it, and calls it Bonapartian, "a feeling that spurs me on with the conviction that all the obstacles to fortune with which I am impeded will (nay *shall*) yield if assailed with energy." That is the true Manchester spirit, and it is not dead to-day.

And to my thinking, if you want to realise fully the wonderments that trade and commerce could produce if they would, turn into the real Manchester Cathedral—not the parish church which belongs to the past—but the Cathedral of to-day in Deansgate, the Rylands Library. Around you, seated in their stalls, are the great prophets and preachers of the world, clothed in glorious but perfectly legal vestments, not thrusting their messages uncivilly toward you, but waiting in dumb dignity until you feel worthy to approach and learn. And for my own part to reach one of those side niches, those pleasant pastures of study, harbours of letters in quiet creeks away from the main stream of the library, is to arrive at the haven where I would be. I do not grudge another his ritual and his music, and the sing-song of his priest. I only know that I feel better without them. For in this building I find an odour of sanctity not always to be found in churches.

Here I have listened to sermons—voices from beyond —more eloquent in their wisdom than many preached in latter-day pulpits. Sitting in peace and at rest in this beautiful building, the dim ripple of the outer traffic just reaching my ear, I have often wondered whether all Manchester might not be builded and furnished in the same spirit of honour and worthiness. And being faintly imbued with the Manchester spirit myself, there are times when I believe that this will really be so. For my eyes refuse to see, even in nightmares, a picture of Manchester in ruins, with tourists tracking over the desert on hired camels to visit the remains of the Town Hall with its battered frescoes, and the shell of the Rylands Library, sole relics of a vanished city.

My dreams and imagery are far otherwise, and I hold with the poet that eidolons are the entities of entities. And if I have ever appeared to the good librarians in Deansgate to have had my eyes closed in ecclesiastical slumber, it was not really so. I was seeing visions, dreaming dreams, or more truly perhaps, I had impelled my spirit into the future and had left my body, umbrella-wise, hypothecated in the safe keeping of the library officials. For in this method I have many times visited Manchester several hundred years hence, and my difficulty has always been to find the Rylands Library, or even the Town Hall, so many noble buildings of even finer proportions stood among the lawns and gardens and fountains of the city. And I had rather see visions of a New Manchester than a New Jerusalem.

I know no prettier dream, if it be one, than to sail from Eastham up the pure waters of a wider canal and see the country folk resting after their day's work in the dainty cabarets along the shores, and as the last lock gates close behind you and you swing into the great lagoon to the south of the city, the setting sun crimsons the clean stone and marble warehouses of a noble city. For this I can prophesy—it is information, not a tip—that if there is to be a Manchester at all some hundreds of years hence it will be a city without smoke, its people will be healthy and handsome, its Pharisees will be fewer, and all will breathe pure air and walk clean streets, and when a citizen's day's work is done he will be found angling for a trout in the church pool with a better chance of success than he would have to-day.

But these futures depend on the good Genie of Manchester winning the battles of to-day. For when energy, freedom, and the power to do things depart from Manchester she will become "as an oak whose leaf fadeth, and as a garden that hath no water."

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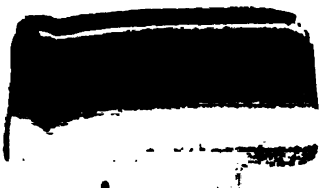
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